

# REPORT OF THE ACCESS TO COUNSEL IN EVICTIONS TASK FORCE



JANUARY 2023



## **EVICTIION NOTICE** NOTICE NONPAYMENT OF RENT

To: Tenant

You are hereby notified to vacate the premises described in the address above within seven (7) days of the date of the delivery of this notice to you. Your lease was terminated when you failed to pay the current rent when due, if you fail to vacate within this period, court proceedings will be taken immediately to evict you from the premises.

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## Letter from Attorney General Brian E. Frosh

In 2021, Maryland became one of the first states in the nation to provide tenants facing eviction with the right to counsel. This should level the playing field in cases where landlords have held huge advantages for decades – historically, over 90% of housing providers have been represented by counsel whereas over 90% of tenants have not been represented. Because our system of justice only works fairly when both parties are represented by counsel, this law should go a long way to ensure fairness for tenants in eviction proceedings, to reduce the disturbingly high number of eviction filings in the State and to keep vulnerable Maryland families in their homes.

The law that established this important right also established the Access to Counsel in Evictions Task Force. The job of the Task Force is to ensure that relevant stakeholders have a voice in the implementation of this law. The Task Force is charged with evaluating the provision of services under the law, studying potential funding sources, making recommendations to improve implementation of the program, and issuing a report of its findings and recommendations on or before January 1 each year.

The Task Force's 2023 report includes an important set of findings and recommendations. The most urgent and critical need identified by the Task Force is a source of perpetual and permanent funding. Specifically, the Task Force recommends an annual, ongoing appropriation from the State's operating budget. I urge our State's leaders to make this important investment to ensure fairness in our system of justice and prevent homelessness.

The Task Force also recommends changes to court rules and procedures to ensure that tenants' right to access counsel in eviction proceedings is meaningful. These changes include dedicating space for confidential communications between attorneys and clients, ensuring access to language access services, and working toward greater uniformity in the way that dockets are called, recesses are permitted, and postponements are handled. I know that the Judiciary will carefully consider these recommendations and do its part to guarantee that all Marylanders have access to the civil justice system.

I want to thank everyone involved in standing up this ambitious statewide program, including the Maryland Legal Services Corporation, many government agencies, the Judiciary, legal services providers, housing providers, and community based organizations.

I also want to thank the Task Force Members for their continued commitment to equal justice. I am especially grateful to Reena Shah, the Chair of the Task Force, for her commitment to increasing access to justice for Marylanders.

Finally, thank you to the employees from my office, most especially David Eppler, Jessica B. Kaufman, and Tara Miles, for their support of the Task Force's work.

A handwritten signature in blue ink, reading "Brian E. Frosh". The signature is fluid and cursive, with the first name "Brian" being the most prominent.

# Members of the Maryland Access to Counsel In Evictions Task Force

## TASK FORCE CHAIR

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## Introduction

During the 2021 legislative session, the Maryland General Assembly passed HB 18,<sup>i</sup> making Maryland only the second state in the nation to have a program that provides access to legal representation to all income-qualified persons facing eviction on a statewide basis (the Program). Maryland was part of a larger national movement which saw many state and local jurisdictions using the influx of federal emergency rental assistance (ERA) funds to adopt transformational eviction prevention measures, including eviction diversion and right to counsel.

The need for the access to counsel in evictions law in Maryland acknowledged the personal and societal costs of evictions, citing the following:

- Evictions are a detriment to public health, especially during the COVID-19 pandemic.
- In addition to the loss of a home, evictions come with collateral consequences that may have generational impact.
- Evictions also cost state and local governments a significant amount of money, including costs associated with shelters, education, transportation for homeless youth, foster care, and health care provided in hospitals rather than community based care.
- Evictions have a disparate impact on Black and Brown households and those led by women.
- Evictions are a high stakes legal process where access to legal

representation is markedly uneven between landlords and tenants.

The General Assembly sought to address the myriad personal and societal challenges posed by evictions by adopting a recognized and cost-effective eviction prevention strategy - access to legal representation - that has been proven in other jurisdictions to reduce disruptive displacement of families as well as the attendant social, economic, and public health costs to society at large.

The Access to Counsel in Evictions law (ACE law), which went into effect on October 21, 2021, provides that all Marylanders who income qualify, *shall* have access to legal representation in “a judicial or administrative proceeding to evict or terminate a tenancy or housing subsidy,” including the most voluminous type of landlord/tenant case, Failure to Pay Rent.

The Program is anticipated to be fully phased in by October 1, 2025, with the Maryland Legal Services Corporation (MLSC) having the responsibility to administer the implementation of the Program, subject to funding availability. During the 2022 legislative session, the General Assembly and Governor Hogan provided two years of start-up funding for the Program, through FY2024, allowing implementation to begin.

In order to monitor and evaluate implementation of the Program, the ACE law also created an Access to Counsel in Evictions Task Force (Task Force), which must:

- Evaluate the services provided through the Program;
- Study potential funding sources; and
- Make recommendations to improve the implementation of the Program, including necessary policy and statutory changes.

The Task Force is composed of 15 members appointed by the Office of the Attorney General (OAG), including a Chair designated by the Attorney General, and is staffed by the OAG. The Task Force is required to “report its findings and recommendations to the Governor and ... the General Assembly” on or before January 1, 2022, and “each January 1 thereafter.”

After the Task Force delivered its foundational report in January, 2022 (Roadmap Report), setting out the guidance for program implementation, the Task Force resumed its work during the fall of 2022, in preparation to deliver its second annual report.

Starting in September, 2022, the Task Force held five plenary meetings in total,<sup>ii</sup> inviting key stakeholders to share information on the progress of implementation of the Program. The Task Force heard from civil legal aid organizations that have received a grant from MLSC<sup>iii</sup> to implement the ACE law, including: Maryland Legal Aid; the Public Justice Center; CASA; Disability Rights Maryland; Mid Shore Pro Bono; the United Way of Central Maryland; and Civil Justice, Inc.; and Community Legal Services. The Task Force also heard from other programs and services that assist with eviction prevention including: MLSC; the Equal Justice Works Fellowship Program (EJW); the Maryland Judiciary; and the Department of Housing and Community Development (DHCD). After hearing from stakeholders, the Task Force convened to deliberate recommendations that would improve implementation of the Program. This report discusses the Task Force’s findings and recommendations.

## Guiding Principles

In addition to policy recommendations, the Roadmap Report adopted a set of guiding principles to inform its work. As the Task Force's work moves into monitoring and evaluating the implementation of the Program, it is important to keep these principles at the forefront of the Task Force's work. We share them again in this report to connote their importance. They are as follows:

- Income-eligible tenants shall have access to counsel in eviction proceedings.
- Keep equity at the forefront of outreach, implementation and evaluation of the Program to address the disproportionate impact that evictions have on people of color, on women specifically, and on households with children.
- Build a system that is fair, accessible, understood and easily navigable by Marylanders facing eviction.
- Incorporate the voice and feedback of residents impacted by eviction in system design, development, and assessment.
- Reach tenants at the earliest possible stage to prevent court hearings where resolutions can be found ahead of time, and to ensure that tenants have time to prepare their defense and seek other resources.
- Prioritize phased implementation in jurisdictions that have invested in legal services to prevent evictions.
- Ensure consistency and uniformity in the Program while recognizing and accounting for local differences as needed.
- Be willing to learn, grow, improve, and adjust the Program as it is fully implemented.
- Build on the reduction of eviction filings during the pandemic by facilitating the implementation of the access to counsel program, lasting access to rental assistance, eviction diversion, and other eviction prevention mechanisms.



## Findings & Recommendations

As planning and implementation of the ACE Program gets underway, it is important to reiterate and underscore at the outset the need for an effective ACE Program. As we transition away from pandemic era protections, including the depletion of federal emergency rental assistance by spring 2023, the ACE Program is poised to serve as the strongest bulwark against the expected rise in case filings and evictions.

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*“As of June 30, 2022, more than 82,000 Maryland households had received emergency rental assistance according to state data. Now, as in other states, the money is running out, and there is no indication the federal government will be doling out more.”*

*The Baltimore Sun, “Housing Relief Funds Run Low,” Giacomo Bologna, Dec. 14, 2022*

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Stakes are high for vulnerable Marylanders and the ACE Program has the potential to be game-changing and transformative. Efforts by this Task Force to evaluate the Program and put forth recommendations are done in the spirit to ensure successful implementation of the ACE Program so that Marylanders can get the help they need and avoid the harm associated with an eviction.

In order to monitor and evaluate implementation, the Task Force engaged in research and information-gathering to understand the status of implementation of the ACE law in Maryland, as well as to glean insights and best practices from the national movement. To understand progress and impediments to successful implementation, we heard from a diverse group of local stakeholders, all of whom have a different perspective, yet play an integral role in ensuring successful implementation.

### Summary of Key Lessons from National Right to Counsel Movement

On August 2, 2022, the White House and the Treasury Department held a national briefing on Building Lasting Eviction Prevention Reform,<sup>iv</sup> where they highlighted key long-term reforms that have resulted from the provision of federal emergency rental assistance (ERA). In addition to over 7 million direct payments to provide rental or utility payments, with 80% payments to very low-income renters, there was significant investment in building lasting eviction prevention,<sup>v</sup> namely in the form of eviction diversion and right to counsel programs. The briefing asserted the following:

- There were only a handful of eviction diversion programs prior to the pandemic. As of August, 2022, there are approximately 180 jurisdictions in 36 states that



developed or enhanced eviction diversion programs<sup>vi</sup> with ERA.<sup>vii</sup>

- Only 5 cities had adopted a legislative right to counsel prior to the pandemic. As of August, 2022, Maryland is one of 3 states and 15 cities that legislatively adopted a right or access to counsel for tenants. Additionally, almost 60 cities expanded legal representation for tenants using federal ERA funds.

### **Summary of Status of ACE Program in Maryland**

Planning and implementation of the ACE Program has started in Maryland. As the Task Force commenced its work, we learned quickly that due to some initial delays in procuring the monies required to implement the Program, most stakeholders were in the planning rather than the implementation stage when the Task Force began its work in September, 2022. Nevertheless, the Task Force is impressed with the strides that ACE stakeholders have made in developing the infrastructure to implement this ambitious and complex statewide program.

MLSC, the funder organization responsible for coordinating the implementation of the Program, is laying the foundation for the Program and has set up some major pieces necessary for successful implementation of the ACE law. MLSC hired a program manager for the Program and has awarded grants to 8 civil legal aid organizations<sup>viii</sup> and both Maryland law schools to commence Phase 1 of the Program in 11 jurisdictions.<sup>ix</sup> It also awarded grants for the development

of a coordinated intake system, whose pilot is scheduled to launch in Baltimore City by summer 2023. Further, MLSC contracted with Stout, Risius, Ross, LLC to conduct an evaluation of the Program and it has plans to contract with a local organization to conduct tenant focus groups. In Spring 2023, MLSC is expecting to release an RFP for community groups to start local outreach. MLSC is also supporting Equal Justice Works (EJW) through general funds to allow them to build a pipeline of ACE and public interest attorneys in Maryland. Finally, MLSC officially launched the Program with an ACE Symposium on September 30, 2022, which brought together stakeholders for substantive and cultural competency training as well as community building.

Similarly, civil legal aid organizations that received grants have been planning for ACE by setting up internal procedures and hiring new staff. Some organizations have completed hiring, while other organizations are facing some hurdles to scaling up. These organizations are also involved in helping establish data collection and evaluation metrics, coordinated intake and many are hosting EJW fellows. The Maryland Judiciary is beginning to develop signage for tenants who may qualify for the Program and administrative judges in District Courts around the State are regularly discussing and sharing best practices to implement the law. DHCD is preparing to establish an eviction data dashboard once Maryland's eviction data reporting law goes into effect on January 1, 2023.<sup>x</sup>

With many moving parts and the need to build critical infrastructure and new processes, implementation can be a complicated and challenging process.

However, the Task Force sees great opportunity with increased thought-leadership, effort, political will, and financial investment. Potential improvements to the Program underway have the capacity to produce the outcomes the legislature intended, and include: greater communication and outreach; increased uniformity in court rules and procedures; effective utilization of the 10-day pre-filing notice; addressing hiring challenges; and ensuring an evaluation grounded in equity analysis..

In the Roadmap Report, the recommendations were presented topically under the following headers: Outreach and Education; Program Design and Implementation; Program Assessment and Evaluation; and Program Funding. For this report, we follow the same format and include our findings and recommendations under the topic header and proceed to review progress on implementation against the original recommendations.

# Outreach and Education

## Communications & Outreach Strategy

**Recommendation from Roadmap Report:** *Develop a comprehensive, broad-reaching, and multi modal outreach strategy that centralizes access, disperses resources and services, and takes into account technological and other barriers to getting information.*

The communications effort to promote the ACE law is in its beginning stages. Strikingly, at the MLSC conference to launch the ACE Program on September 30, 2022, one of the tenants who shared her story on navigating the court process on her own, emphasized the one thing that would have helped her the most – *knowing that there would be legal help before she got to court.* Ensuring Marylanders know they have access to counsel in evictions is crucial for the success of the Program.<sup>xi</sup>

Indeed the Roadmap Report was clear that in order to create the benefits described in the Program, early and ongoing outreach and education about the Program are critically important. Simply put, if people do not know about the program, they will not be able to access it.

MLSC, the courts, and civil legal aid organizations are separately starting to employ numerous measures to communicate with and notify tenants regarding the Program. MLSC has developed a website for Access to Counsel in Evictions: [www.legalhelpmd.org](http://www.legalhelpmd.org). This website will eventually have the functionality to do online coordinated intake, although the timeline for that is to be determined. Currently, the website provides information on civil legal aid providers available based on each of the 24 Maryland jurisdictions in English and 5 other languages. As required

by the ACE law, MLSC has developed and printed brochures that will be shared with referring organizations, like the Sheriff's offices, that alert people to the Program and direct them to the website.<sup>xii</sup> Further, MLSC plans to release a Request for Proposals (RFP) (Outreach RFP) for community groups to perform outreach on a local level beginning in spring, 2023.<sup>xiii</sup>

The current plan for the Outreach RFP is to solicit community groups to do outreach and education. However, the Task Force sees additional needs associated with effective outreach and communication.

As stated above, the Roadmap Report identified communications and outreach as critical to ensuring Marylanders who need help the most are aware of this Program and can access it. It also identified the many complexities associated with doing successful outreach and communications, that are a science unto themselves. These include: tailoring messages; targeting vulnerable populations; incorporating research on why people do not reach out for help; referencing data from other social services organizations; utilizing a mix of messengers and print and digital tactics; and more.

The Roadmap Report also includes a requirement to conduct an outreach evaluation, which requires tracking of

communications and outreach metrics to ensure the Program is reaching the most vulnerable populations, is equitable in its reach, and is using effective outreach strategies that have been proven to work.

In addition to the communications and evaluation pieces, the communications and outreach work outlined in the Roadmap Report also involves a heavy coordinating piece. First, there is the need to coordinate stakeholders involved in Program implementation, including MLSC, civil legal aid providers, local community groups, law schools, the United Way, the Judiciary, DHCD, and landlords to conduct coordinated, rather than separate, communications for maximum impact. Additionally, the Roadmap Report gives other examples of the need for coordination, including: coordinating key messengers, like faith based groups; coordinating messages on all landlord and court communications; and coordinating with outside partners to

utilize tools, like MVA TV, that could effectively carry the message.

When viewing the totality of the work and expertise necessary involved in developing, executing, and evaluating an effective communications and outreach strategy, it appears that putting forth an Outreach RFP for community groups to do outreach and education alone will be insufficient.

While the Outreach RFP should include local community groups as the organizations that carry forth and deliver the uniform messages, the Outreach RFP should also account for the considerable other work and expertise required to create the plan, coordinate implementation of the plan, and conduct an evaluation of the plan. Thus, the RFP should also request work from an entity who can manage large-scale coordination as well as consultation with communications, data, and evaluation experts to ensure the Program has an effective communications and outreach strategy.

## Recommendation

- Integrate the need for coordination, communications, data and evaluation expertise specific to the communications and outreach plan in the Outreach RFP.

### Centralized Repository For Pre-Filing Notices

**Recommendation from the Roadmap Report:** *Establish a centralized repository for pre-filing notices related to eviction cases and administrative proceedings (e.g., FTPR, Tenant Holding Over (THO), Breach of Lease (BROL), and housing subsidy terminations) that protects individual privacy and confidentiality but also allows such notices to be used as a mechanism to gather data, analyze trends, and facilitate targeted early outreach.*

When HB 18 was passed, in addition to providing statewide access to counsel, it also mandated a [10-day pre-filing notice](#) that

must be sent to all tenants prior to filing a court case. The pre-filing notice is an important measure taken by the Maryland

legislature to help reduce eviction case filings. Pre-pandemic, Maryland had one of the highest rates of eviction case filings in the country. Having a pre-filing notice period, which was common in other jurisdictions, was seen as a measure to reduce case filing.

Below are some of the issues raised in relation to the 10-day pre-filing notice.

When the Task Force initially developed the roadmap for implementation, they suggested using the 10-day pre-filing notice as a vehicle to reach tenants at the earliest possible indication of court involvement and provide them with information about how to contact an ACE attorney. The recommendation was to create a repository for the notices, similar to the repository of foreclosure notices that the Office of the Commissioner of Financial Regulation in the Maryland Department of Labor (OCFR) maintains and uses, to produce reports to identify hot spots.<sup>xiv</sup> One of several concerns raised by landlord representatives with such a repository is that it would collect and maintain information on many people who never end up receiving a court notice. However, at this time there is no way to capture how many notices are going out and compare that number to how many court case filings are avoided as a result of the 10-day notice.

In addition, there is inconsistency from the bench as to whether the landlord must produce a 10-day notice to make a prima facie case at trial and whether the lack of the 10-day notice should lead to a dismissal.

Further, multiple civil legal aid organizations raised concern that not all landlords are using the court-mandated notice, [form DC-CV-115](#). The ACE law provides that, “the written notice required... *shall* be in a form created by the Maryland Judiciary.” In addition to ensuring the information on the notice is delivered to the tenant as the General Assembly intended, the notice is also accompanied by a list of civil legal aid organizations broken up by jurisdiction. If landlords are not using the court mandated notice and there is no enforcement of that practice, tenants may not be receiving adequate notice of the ACE law and the Program, losing out on the chance to connect to legal help early.

Finally, even for tenants who receive the court-created 10-day notice, there are many reports that the court-created notice is confusing for tenants. Many are interpreting it as either a notice to go to court or an eviction notice. Additionally, on the list of civil legal aid organizations accompanying the notice, there is no mention of the ACE law or Program.

## Recommendations

- Create a centralized repository for the 10-day notice that can be used to track the number of notices and to conduct targeted outreach.
- Enforce the use of form DC-CV-115, the court-mandated 10-day pre-filing notice.

- Evaluate the language in the 10-day notice to ensure clarity of purpose; add language about the right to access counsel when facing eviction (the ACE Program) to the list of civil legal aid organizations.

*For the Judiciary or General Assembly*

- Create uniformity through court rule or legislative reform to reflect that the failure to produce proof of the provision of the 10-day notice by the landlord is grounds for dismissal.

# Program Design and Implementation

## Coordinated Intake System

**Recommendation from Roadmap Report:** *Create a coordinated intake system that simplifies the process for eligible tenants to seek and obtain legal assistance in eviction cases.*

The Roadmap Report emphasized the importance of making it easy for people seeking legal assistance in eviction cases to receive it. It highlighted that the existing process of finding civil legal help through lists was not streamlined and can be an additional stressor when time is of utmost importance. Maryland tenants in eviction proceedings, who historically have been represented only 1% of eviction cases,<sup>xv</sup> face a knowledge deficit. Specifically, tenants may not know their rights, eviction procedure or timelines, and what resources are available to help. If tenants reach out for help, they may need to go to multiple organizations and do multiple intakes to receive help or be turned away.

The Roadmap Report emphasized the need for a single, centralized phone number to assist with raising awareness and garnering uptake of the Program: “[A]s the Task Force learned from other jurisdictions, it is critical to establish a centralized number and website that is easy to promote and easy for tenants to access and navigate.... [H]aving one central number that is available to people when they need it increases the probability that they will seek and find help.” The centralized number was also considered an ideal vehicle to collect important outreach data on how many people are seeking assistance and whether the communications effort is bearing fruit, which will be more complex with tracking

this information through all the different civil legal aid providers.

To address these issues, the Roadmap Report recommended creating a Coordinated Intake System (CIS) for the ACE Program. A CIS would allow a tenant seeking assistance to call one number or go to one online portal, do one intake, and have a warm hand-off to a civil legal aid provider that can assist them.

The United Way of Central Maryland (UWCM) is the entity chosen to develop the CIS. UWCM is working with Civil Justice, Inc. and A2J Tech to develop the CIS. The project partners are currently evaluating technology platforms and coordinated intake efforts in other states to help inform the system development. They are also convening local civil legal aid providers to document their intake guidelines and processes.

The CIS will first be developed as a pilot for Baltimore City and is tentatively expected to launch on July 1, 2023.<sup>xvi</sup> It will then be extended to all Phase I counties.<sup>xvii</sup> On July 1, 2024, coordinated intake will move into Phase 2 counties<sup>xviii</sup> and on July 1, 2025, it is expected that all Phase 3 counties<sup>xix</sup> will be incorporated.

As discussed above, MLSC has developed a website for Access to Counsel in Evictions: [www.legalhelpmd.org](http://www.legalhelpmd.org) that eventually will have the functionality to do online



coordinated intake, although the timeline for that is to be determined. Currently, the website provides information on civil legal aid providers available based on each of the twenty four Maryland jurisdictions in English and five other languages. Moreover, the phone number 211 currently serves as a centralized number providing information and referral service to legal services and other social services providers, and will be the number used for the CIS. However, until

the CIS has been fully phased in, tenants residing outside of the CIS jurisdictions will continue to have challenges accessing counsel because those tenants will be directed to contact various local civil legal aid organizations directly for assistance. During the phase-in period, there is potential for great confusion for tenants seeking to access counsel, a problem that needs to be addressed.

## Recommendations

- Make 211 the single call-in number that can be publicized in all Phase 1 counties (and even beyond) to receive ACE help (legal information and referral), even in the absence of a coordinated intake function. Increase existing 211 capacity to receive and field legal information and referral calls to civil legal aid organizations.
- Encourage local groups to build trust within communities to use 211 for ACE help.
- Ensure the online portal function on the website is made live for all Phase I counties at the same time.

## Uniform Court Rules

**Recommendation from Roadmap Report:** *Adopt uniform court rules and procedures for rent court dockets to ensure that eligible tenants have the opportunity to meaningfully and consistently access counsel as required under the Act.*

Uniformity in court rules and procedures was highlighted in the Roadmap Report as being essential to the successful implementation of the Program. The ACE law provides an opportunity for transformational change in the eviction process, which, in turn, will have a long-

lasting impact on the well-being of individuals, families and communities. However, for this to be possible, the Roadmap Report emphasized that it will require our established systems to adapt and change.

Currently, eviction cases are handled differently from jurisdiction to jurisdiction and even among different judges in the same courthouse. The District Court of Maryland has not adopted any court rules in relation to the ACE law and there is no legislation mandating uniformity.

MLSC wrote a letter to the Court of Appeals Standing Committee on Rules of Practice and Procedure (Rules Committee) in July 2022, requesting changes to court rules in accordance with the Roadmap Report recommendations. The letter requested modest rules changes that would create uniformity, reduce confusion, and add fairness to the process as intended by the ACE Law. A coalition of fourteen civil legal aid organizations also signed a letter spearheaded by the Public Justice Center in support of the rules changes. Other advocates and the former chair of the ACE Task Force testified before the Rules Committee in support of the proposed rules changes, which the Rules Committee ultimately rejected.

Notably, the civil legal aid coalition letter shared the current experience of day-of-court programs, highlighting the inconsistency and lack of uniformity faced by tenants across the state:

“Even in local jurisdictions that currently have same-day legal services at court, court practices vary significantly by jurisdiction and by judge. Some judges provide information about the availability of same-day legal representation; some do not. Some judges schedule the docket to begin 30 minutes prior to the actual start of the docket to allow legal services providers a chance to screen tenants prior to the docket’s

start; some do not. Some call the names of each litigant to the case to begin the case; some call only the property address and the name of the landlord’s agent. Some judges allow litigants a recess to utilize any legal services provider present at court; some do not. Some judges allow litigants a short postponement of the case for tenant’s counsel to investigate the matter further and prepare a defense; some do not.”<sup>xx</sup>

The proposed rule changes, tracked with recommendations in the Roadmap Report, required the court in summary ejection, tenant holding over, breach of lease, or wrongful detainer actions to do the following:

1. Facilitate Implementation. To facilitate implementation of the Access to Counsel in Evictions legislation, the Court shall:
  - a. Prior to the start of any docket involving a case subject to this rule, request that each party check in with the clerk if they have not already done so;
  - b. Describe to litigants the provisions of the Maryland Access to Counsel in Evictions law in a manner prescribed by the Chief Judge of the District Court of Maryland;
  - c. Take other measures in the call of the docket as prescribed by the jurisdiction’s Administrative Judge or the Chief Judge of the District Court of Maryland.
2. Call of the Docket. Prior to the entry of any default judgment in a case, the

court shall verbally announce the property address and name of any defendant subject to the default judgment.

3. Recess for Legal Services. On request of a party or on its own initiative, the court shall grant a recess for a reasonable amount of time to allow the requesting party to use the services of a legal services provider if the legal services provider is available at the court building during the time scheduled for the trial.
4. Postponement or Continuance for Legal Services. On motion of any party or on its own initiative, the court shall continue or postpone a trial for no less than 10 days for the party to seek legal representation in the matter or for retained legal counsel to complete an investigation, attempt to negotiate a settlement, and prepare for trial.<sup>xxi</sup>

When meeting with the Task Force in the Fall 2022, the Judiciary reiterated its discomfort in limiting judicial discretion through adoption of the proposed rules. During the Task Force discussion, landlord representatives expressed their disagreement with automatic postponements and preferred discretion on postponements to remain with the judge while tenant advocates emphasized the importance of automatic postponements, which are routinely granted to landlord agents who lack certain evidence.

The Task Force seeks to find a way to move forward. The Task Force recommends that the Judiciary revisit these recommendations with a view to finding common ground and a path to adoption. The Task Force offers to help facilitate a small workgroup towards this end.

### **Courthouse Workspace**

An additional area highlighted in the Roadmap Report dealing with the lack of uniformity across the state was workspace for day-of-court programs. A common concern raised by civil legal aid advocates is the need to have space near courtrooms to conduct confidential client meetings and to access wireless internet and intake equipment. Clients with language barriers reported additional difficulty in facilitating attorney-client-interpreter discussions and the inconsistent availability of interpreters for client meetings outside the courtroom. The Judiciary reported that they are limited by the physical constraints of the courthouses and have used up every ounce of space available inside the courthouse. However, to address the implications of the ACE law on courthouses, it will be important for the Judiciary to offer creative solutions to allow for proper ACE implementation.

### **Docketing of Eviction Cases**

Another issue raised by tenant advocates and landlord representatives was the lack of uniformity in the time it takes to docket cases and the number of cases on a given docket in different jurisdictions. For example, in some jurisdictions, cases are docketed for trial four days after filing; in other jurisdictions they are docketed for trial three weeks after filing. A given jurisdiction may have 500 eviction cases on the docket one day, but only 100 cases another day. From the advocate perspective, the lack of consistency can affect their ability to provide services and prevent evictions, *i.e.*, it would be a much better use of limited same-day attorney resources to have 200 eviction cases docketed each day rather than 500 on one day and 100 on another day. From the

landlord perspective, longer wait times may negatively affect the landlord's ability to recoup their property in a timely manner and potentially may increase the amount of rent due. Differences in docket times and number of cases also impact the data associated with each jurisdiction. For these reasons, the Task Force suggests increased transparency and consistency in regards to docket times and number of cases per docket.

While the Task Force's guiding principles acknowledge the need for local differences, in order for Marylanders to experience meaningful access to counsel across the state, the Task Force strongly urges the Maryland Judiciary or the General Assembly to address the lack of uniformity in court processes and procedure to ensure that every Marylander can have meaningful access to counsel, no matter which court or courtroom they enter.

## Recommendations

### *For the Judiciary*

- Reconsider proposed rules changes and adopt those associated with facilitating implementation, calling of the docket, and recess for legal services.
- Create a mechanism to be transparent and consistent with time to docket and the number of cases on each docket for each jurisdiction.
- Dedicate space for confidential consultations between attorneys and clients, using mobile spaces, if necessary, and include appropriate funding in the budget to add additional space where necessary.
- Provide language access services outside of the courtroom, during attorney-client consultations.

### *For the Judiciary or General Assembly*

- Create uniformity in recesses and postponements through court rule or legislative reform to ensure meaningful access to counsel.

## Adequate Staffing

**Recommendation from Roadmap Report:** *Provide adequate staff, including attorneys and paralegals, who are ready and competent to provide services.*

As the Program begins its implementation, civil legal aid organizations, most of whom are already adept at representing tenants in eviction cases, are adjusting internal processes and shifting and expanding resources in order to implement the ACE Program. Civil legal aid organizations must establish infrastructure to expand and scale their services, which includes everything from HR systems to financial systems and more, in addition to adding capacity in the form of competent attorneys, paralegals, and other support staff to meet the demand for services.

However, during this time of growth, the organizations are facing serious challenges.

While some civil legal aid organizations have hired up, they need additional investment in order to have the appropriate infrastructure to scale up. Conversely, other civil legal aid organizations may already have the infrastructure, but are facing a tough hiring market and are having challenges filling their positions, primarily as a result of lower than market salaries.

Without sufficient staff to carry out the Program, the Program will not produce intended results. Issues related to hiring and retention must be addressed so that civil legal aid organizations have the staffing capacity necessary to perform their duties.

## Recommendations

- Raise pay of ACE staff to ensure appropriate recruitment for ACE Program.
- Implement collaborative models to enhance infrastructure across organizations.
- Invest in administrative and paraprofessional support to enable attorneys to maximize time on legal matters.
- Partner more closely with law schools, pipeline programs and other attorney associations to engage and recruit law students and young lawyers into the field.
- Encourage private attorneys to participate in pro bono representation of tenants through non-profit entities.

# Program Assessment and Evaluation

## Outreach and Evaluation

**Recommendation from Roadmap Report:** *Conduct a comprehensive evaluation of the Program that assesses the effectiveness of outreach, the connection of tenants to services, appropriate levels of funding/staffing, the provision of legal services, and the reduction in disruptive displacement in eviction cases.*

As discussed in the Roadmap Report, the Task Force and MLSC have responsibility for assessing the Program to determine whether it is operating effectively and efficiently, whether the Program is meeting the needs the General Assembly identified in creating it (including eliminating race and gender disparities in evictions), and how to improve the Program. The General Assembly noted the importance of evaluation by specifically allowing the use of Program funding for that purpose.<sup>xxii</sup>

The Roadmap Report identified three key

### Outreach

As discussed above, for outreach, MLSC has reported that they will put out a RFP for community groups to begin conducting outreach in Spring 2023. The outreach component of the Program understandably was sequenced to come after the Program was established enough to have ACE processes and staff in place to meet the demand for services.

As a reminder, a strong outreach evaluation component should be included in the Outreach RFP, so that there can be

The lack of a centralized phone number,

areas that required evaluation, which should be understood to include an understanding of the equitable impact:

1. Outreach;
2. How successful the Program is at connecting eligible tenants to legal representation once they reach out for assistance; and
3. Assessment of the demand for services and whether the Program has sufficient staffing and resources to meet the need, including supervision and support staff.

assessment of which outreach messages, strategies, and messengers are effective in educating tenants about the availability of the Program and connecting them to help. It is likely that for different populations, different targeted strategies will be necessary and effective. The evaluation of these metrics and others will be necessary to evaluate whether the Program is able to reach and service Marylanders equitably.

Further, under evaluation of outreach, the Roadmap Report specified tracking data for the centralized phone number and website. MLSC has developed a temporary website and will be able to track page visits, but it is unclear what other metrics it may track.

which was discussed in detail earlier, also

complicates the ability to capture from the outset of the Program, how many people are reaching out to receive ACE related help and getting connected to that help.

Here again, we emphasize the use of 211 as the centralized phone number, separate from its function to conduct coordinated intake. The United Way of Central Maryland (UWCM) already has a robust infrastructure for data collection, analysis, and reporting on the information calls it receives, so that it could help track the number of people calling and from where, but also the number of people who reach out for help, are referred and ultimately connected to legal services, and whether there are differences in those rates based on equity metrics.

The MLSC contract with UWCM and Civil Justice, Inc. for the CIS will also be useful to further evaluate the closed loop system, and especially whether anyone is falling through the cracks.

## Evaluation

To assess Program effectiveness and the demand for services, MLSC contracted with Stout, Risius, Ross, LLC (Stout) to conduct a comprehensive evaluation of the Program. Stout is now coordinating meetings with legal services providers and developing the methodology and means to collect the data and conduct the evaluation. Additionally, MLSC is working on a contract with a Maryland based-group to perform a series of tenant focus groups in Spring 2023.

Since evaluation of the Program has not begun and since implementation is just getting started, it is important to emphasize

the information necessary to fully evaluate the success of the Program and how the Program can be improved. Information gathered from the tenant focus groups and the CIS should include: demographic information about tenants who seek and obtain services; determining the amount of time to connect tenants to counsel; the number of transfers between providers; whether tenants are returning for help on multiple occasions, and, if so, whether returning tenants are seeking help for the same or different cases against the same or different opposing parties; and whether there are landlords that reappear for multiple tenants. This information should be evaluated to understand the tenant experience with the Program through its phased implementation including the three core areas of evaluation listed above, as well as the equitable impact of the Program.

Program evaluation should also include an assessment of the demand for services by jurisdiction and whether the Program has sufficient staffing and resources in each jurisdiction to meet demand, including supervision and support staff. The evaluation should include an analysis of the hours and caseloads of attorneys, paraprofessionals, and support staff as well as how many tenants could not receive legal services because of capacity constraints. Evaluating staffing needs is especially important as the phased implementation proceeds so that budget projections can be modified and refined. Legal services in some jurisdictions report that they have to turn away many otherwise eligible tenants due to lack of capacity.

Legal counsel can help tenants in myriad



ways, from avoiding eviction to facilitating a soft landing in a new home, *i.e.*, preventing “disruptive displacement” of tenants who are subject to an eviction action. Thus, it is important to evaluate the effectiveness of the services provided through the Program by assessing all outcomes, including, but not limited to: preventing the eviction; negotiating additional time for tenants to move; obtaining repairs to the dwelling;

eliminating illegal fees or wrongful charges; and preventing negative credit reporting. Additionally, detailed case information should be tracked, such as the number of days between filing and trial and/or eviction (if applicable), whether the case was tried or settled, how many hearings were held, whether there were incidents of failure to appear, and subsequent court response.

## Recommendations

### *For MLSC*

- Continue to implement the evaluation recommendations made in the Roadmap Report.

### Centralized Eviction Data Hub

**Recommendation from Roadmap Report:** *Create a centralized eviction data hub that would collect, visually display, and analyze eviction-related data from key stakeholders, while protecting individual privacy.*

Maryland currently lacks reliable, localized, *real time data* about evictions taking place in Maryland, which negatively impacts the Program’s ability to target outreach and education, and connect eligible tenants with legal services in a timely manner. It also hampers the Program’s ability to track Program effectiveness and the impact of the Program on reduction in case filings or evictions.

The eviction data reporting bill mandates of House Bill 824, which becomes effective January 1, 2023, requires the Maryland Judiciary to provide DHCD monthly data on warrants of restitution or writs of

possession. It also requires DHCD to publish the data monthly on a publicly accessible dashboard , to make data sets available to certain agencies/institutions for analysis, and to publish an annual report on eviction data to the Governor and General Assembly. These data sources are a good first step and will assist with the evaluation of the Program.<sup>xxiii</sup>

The Maryland Electronic Courts (MDEC), a single judiciary-wide integrated case management system used to collect, store, and process court records electronically, is available in all Maryland counties, but for Baltimore City.<sup>xxiv</sup> However, in all but one Maryland jurisdiction, MDEC does not currently include Failure to Pay Rent case

filings, which are the most voluminous type of eviction filing. (Effective June 6, 2022, the District Court of Baltimore County became the first, and is currently the only, Maryland jurisdiction accepting Failure to Pay Rent case filings electronically through MDEC.)<sup>xxv</sup> This means that compilation of eviction data for this type of important case is manual. The inability to provide electronic data throughout the eviction proceeding is a concern that will hamper the effectiveness of understanding the impact and the need for counsel at various stages of the eviction process.<sup>xxvi</sup>

DHCD reported that they were just beginning conversations with the Judiciary to determine how to share data. The Judiciary reported that if the pilot e-filing in Baltimore County is successful and can be expanded, it will significantly improve the Judiciary's ability to collect and report data. DHCD noted that it had the capacity and expertise through their other housing dashboards it has created to analyze and visualize eviction data. However, the eviction data provided by the Judiciary will not include demographic data to conduct an equity analysis, which is critical to the evaluation of the Program.

To appropriately target outreach and education and to direct legal resources to those tenants most in need of services and to ensure the Program is being equitably implemented, it is imperative for the State to create a centralized repository that would collect, visually display, and analyze eviction related data that specifically includes:

- Demographic information of tenants being evicted (*i.e.*, age, race/ethnicity, gender, size of

household, the presence of minors in the household, disability status, primary language status, income level, and subsidized housing status);<sup>xxvii</sup>

- The number and sources of requests for assistance with housing matters received from tenants (including applications for rental assistance);
- The number of FTPR and Warrant of Restitution Filings (both statewide and by jurisdiction), the number of days from filing to hearing, the number of postponements, and the case disposition by jurisdiction;
- The total number of evictions statewide, the number of evictions by county, and the number of evictions by census tract or zip code; and
- The cause of eviction by type of case, *i.e.*, FTPR, THO, BROL, subsidy termination), or if able to capture, whether the eviction was illegal, meaning it occurred outside the judicial system.<sup>xxviii</sup>

The creation of the recommended eviction data hub will require coordination and cooperation from key stakeholders, *i.e.*, the judiciary, local and state agencies, rental assistance program administrators, departments of housing and community development (or equivalent), local housing authorities, sheriff's offices, landlords, and legal services providers. It will also require formal data sharing agreements that adequately balance the need for transparency and the importance of protecting tenant privacy. The Task Force also recommends the State partner with a research entity to conduct an equity analysis of the Program.

## Recommendations

*For DHCD*

- Create a real-time Eviction Data Hub that analyzes and visually displays eviction data.
- Ensure inclusion of an equity analysis in the Eviction Data Hub.

## Program Funding

**Recommendation from Roadmap Report:** *Provide sufficient funding for the Access to Counsel in Evictions Special Fund to fully implement the Program throughout the State as required by the statute.*

The Act established the Access to Counsel in Evictions Special Fund (the Fund), a special non-lapsing fund to be administered by MLSC, the purpose of which is “to provide funding to fully implement access to legal representation in evictions and other related proceedings in the State.”<sup>xxix</sup> The Program may use Fund money for the services required under the statute including legal services, outreach and tenant education, MLSC’s administrative expenses, and evaluation of the Program.

The General Assembly and Governor made impressive strides during the 2022 legislative session to provide funding through FY2024. The Governor and General Assembly allocated approximately \$11.8 million for FY2023 and another \$14 million for FY2024. Effective, July 1, 2022, the Fund is supplied with funds from multiple sources, consisting primarily of monies appropriated by the State from federal ERAP funds and money from the Abandoned Property Fund.<sup>xxx</sup> MLSC reports that the reality of multiple funding sources has not been without challenges, including differing eligibility and reporting requirements, especially in conjunction with other non-ACE related funding sources (e.g., Baltimore City funding for its right to counsel program).

As discussed in detail in the Task Force’s Roadmap Report, funding is the Program’s **most urgent and critical need**. While the challenge last year was that there was no

money in the Fund, this year’s challenge is that under current law, the law reverts back on January 1, 2025 but the funding is specified for FY24, which ends on June 30, 2024.<sup>xxxi</sup>

It is not an understatement to say that everything about this Program hinges on continued and stable funding. While going from zero funding to having two years of funding to provide the seed money to start implementation was a tremendous achievement during the 2022 legislative session, civil legal aid programs have started expanding their infrastructure to accommodate additional processes, reporting and ACE staff. They have informed the Task Force in no uncertain terms that the lack of a stable source of funding affects their ability to plan and is a deterrent to bringing on talent, which is already a challenge for this community due to noncompetitive pay, as discussed earlier.

Fluctuations that come from intermittent funding sources will have deleterious impacts on staffing levels, outreach and evaluation efforts, and more. Without sufficient funding on an on-going basis, full implementation of the Program will not be possible, resulting in many low-income Marylanders who face eviction continuing to lack access to counsel. Stable, adequate funding of the Fund is the lynchpin to ensure successful implementation of the Program.

Indeed, the need for the ACE Program is more important than ever. Pandemic-era protections are ending and with it, the safety net for landlords and tenants. DHCD reported to the Task Force that federal emergency rental assistance (ERA) funds will be completely depleted in all entitlement jurisdictions and in the state by Spring 2023. ERA has been a major driver in maintaining housing stability and keeping eviction case filings well below pre-pandemic levels. With the expiration of the federal ERA funds, case filings are expected to rise, increasing the demand for legal representation. Continued investment in emergency rental assistance by the State is an important complement to the ACE

Program and is supported by the Task Force.

The Roadmap Report from last year anticipated a full implementation cost of \$30 million per year, with a four year phased implementation. Further, additional outreach will likely increase the demand and rate of tenants appearing in these cases seeking representation. Many factors inform the funding needed, and MLSC has the ability to monitor filing rates, rates of tenant appearance in cases, staffing levels, hours per case, the types of cases where representation is required, and other factors to project ongoing costs, and thus can project costs on an annual basis.

## Recommendations

The Task Force deems permanent and on-going State funding for the ACE Program to be its top priority to ensure continuity and confidence in building and implementing a successful statewide ACE Program. To that end, the Task Force recommends the following

*For the General Assembly*

- Provide sufficient state funding for the Access to Counsel in Evictions Program to fully implement the Program throughout the State as required by the statute.
- Streamline funding sources, ideally to a single source like a line-item in the state budget or the Abandoned Property Fund, in order to simplify procurement and reporting requirements.
- Remove the one year restriction on the Abandoned Property Fund to make it a perpetual and permanent source of funding for the ACE Program.

- Reevaluate funding amounts each year anticipating necessary increases to expand and fund complete implementation, including outreach.

Additionally, the Task Force concurs with efforts to increase emergency rental assistance in the State as a complement to the ACE Program.

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<sup>i</sup> <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0018?ys=2021rs>

<sup>ii</sup> The Task Force carries out its work in accordance with the Open Meetings Act, inviting observers to the meeting and posting Agendas and meeting recordings here:

<https://www.marylandattorneygeneral.gov/Pages/A2C/index.aspx>

<sup>iii</sup> The ACE grant recipients received the following grant amounts: CASA \$284,433; Community Legal Services of Prince George's County \$708,205; Disability Rights Maryland \$155,202; Homeless Persons Representation Project \$457,742; Maryland Legal Aid \$1,544,330; Mid-Shore Pro Bono \$289,706; Pro Bono Resource Center \$1,748,434; Public Justice Center \$456,522; United Way of Central Maryland \$550,178; University of Baltimore School of Law \$77,800; University of Maryland Carey School of Law \$129,986.

<sup>iv</sup> White House Summit on Building Lasting Eviction Reform (August 2, 2022):

<https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/02/fact-sheet-white-house-summit-on-building-lasting-eviction-prevention-reform/>

<sup>v</sup> There was much effort and support on the national level to ensure lasting reform. For example, the White House held three summits on eviction diversion, the Department of Treasury released guidance enabling and encouraging the use of ERA to include legal assistance for tenants facing eviction and eviction diversion, ASG Vanita Gupta sent a letter to state courts encouraging them to immediately establish eviction diversion programs, and AG Merrick Garland issued a call to action for law schools to start or expand clinics to provide legal assistance for eviction.

<sup>vi</sup> State Supreme Courts in [Michigan](#), [Indiana](#), [New Mexico](#) and [Texas](#) adopted statewide eviction diversion programs, resulting in reduced case filings and evictions.

<sup>vii</sup> Many states and cities implemented the right to counsel in tandem with Eviction Diversion Programs. This combination was viewed as an effective one two punch to connect people who need services to services and connect others to attorneys. Maryland has not adopted eviction diversion programs in any jurisdiction.

<sup>viii</sup> See endnote 3. Please note, some of these organizations are represented on the Task Force.

<sup>ix</sup> Anne Arundel, Baltimore City, Baltimore County, Frederick, Montgomery, Prince George's County, Caroline, Dorchester, Kent, Queen Anne's, & Talbot counties.

<sup>x</sup> See Md. Code Ann, Real Prop. 14-133. The eviction data reporting law is discussed in detail below.

<sup>xi</sup> The requirement that landlords provide a 10-day pre-filing notice to tenants before filing an eviction action is an important measure. As discussed below, there are reports that the court created notice is confusing to tenants and does not adequately advise tenants of the ACE law or the Program.

<sup>xii</sup> Md. Code Ann., Real Prop. Art. 8-905.

<sup>xiii</sup> Civil legal aid organizations are also adept at outreach to clients and requested that they be allowed to apply for outreach funds.

<sup>xiv</sup> See <https://www.dllr.state.md.us/ForeclosureSystems/Logon.aspx>.

<sup>xv</sup> [https://abell.org/wp-content/uploads/2022/02/Baltimore20RTC20Report\\_FINAL\\_5\\_8\\_2020.pdf](https://abell.org/wp-content/uploads/2022/02/Baltimore20RTC20Report_FINAL_5_8_2020.pdf)

<sup>xvi</sup> Once the pilot is operational in Baltimore City, tenants will be directed to contact 211, where UWCM's information experts will be provided training to enable them to conduct intake and connect callers to the appropriate civil legal aid organization. Further, UWCM has robust data collection processes in place that will be tailored to the Program to ensure tracking of demographic information and assess whether a person who sought access to counsel, received the help they needed.

<sup>xvii</sup> Anne Arundel, Baltimore City, Baltimore County, Frederick, Montgomery, Prince George's, Caroline, Dorchester, Kent, Queen Anne's, & Talbot counties.

<sup>xviii</sup> Allegany, Calvert, Carroll, Cecil, Charles, Garrett, Harford, Howard, St. Mary's, Somerset, Washington, Wicomico, & Worcester counties.

<sup>xix</sup> All other Maryland counties.



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<sup>xx</sup> See

[https://www.marylandattorneygeneral.gov/A2C\\_Docs/Comments\\_for\\_Access\\_to\\_Counsel\\_in\\_Evictions\\_Sept\\_8\\_2022.pdf](https://www.marylandattorneygeneral.gov/A2C_Docs/Comments_for_Access_to_Counsel_in_Evictions_Sept_8_2022.pdf)

<sup>xxi</sup> See [https://www.marylandattorneygeneral.gov/A2C\\_Docs/Ltr\\_to\\_Rules\\_Committee\\_re\\_ACE\\_7\\_2022.pdf](https://www.marylandattorneygeneral.gov/A2C_Docs/Ltr_to_Rules_Committee_re_ACE_7_2022.pdf)

<sup>xxii</sup> Md. Code. Ann., Real Prop. §8-909(f)(4).

<sup>xxiii</sup> See Md. Code Ann., Real Prop. §14-133.

<sup>xxiv</sup> See <https://www.mdcourts.gov/mdec/faq-attorneys>.

<sup>xxv</sup> The remainder of MDEC counties will be scheduled to offer the same service after an assessment of the Baltimore County pilot project. See <https://mdcourts.gov/mdec/efilinglandlord>.

<sup>xxvi</sup> Currently, the District Court of Maryland posts statistics related to landlord/tenants cases on its website by month and calendar year, and by fiscal year for internal tracking purposes only; for external reporting purposes, one must refer to the Maryland Judiciary's annual Statistical Abstract. See

<https://www.courts.state.md.us/district/about>. The Maryland Judicial Data Dashboard does not currently provide real time data about evictions in Maryland and is current only through FY21. See

<https://datadashboard.mdcourts.gov/menus/4/sub-menu/7/activity>. As discussed above, the Eviction Data Bill becomes effective January 1, 2023 and requires the Judiciary to provide eviction data to DHCD on a monthly basis.

<sup>xxvii</sup> The Task Force is aware that demographic data will not be available through the data reported by the Judiciary. We encourage consulting and partnering with data experts to understand such data can either be collected or how other techniques such as GIS mapping and overlays of census data could help us conduct an equity analysis.

<sup>xxviii</sup> Notably, DHCD has the expertise and capacity to receive judiciary data and create dashboards, while protecting tenant's privacy. Moreover, A2JC has created a real-time [Housing Data Dashboard](#) with existing judiciary data on case filings and evictions that can be used as a starting point for a more comprehensive centralized data hub.

<sup>xxix</sup> Md. Code Ann., Real Prop. §8-909(b).

<sup>xxx</sup> Effective July 1, 2022 to December 31, 2024, the Fund will consist of: (1) Money received by the Division of Consumer Protection in the Office of the Attorney General from any final settlement or agreement with or judgment against a party relating to an investigation or enforcement of the Maryland Consumer Protection Act for an unfair, abusive, or deceptive trade practice for rental residential property, excluding an restitution and the costs of the action the Attorney General is entitled to recover; (2) Money appropriated in the State budget to the Fund; (3) Money distributed to the Fund under §17-317 of the Commercial Law Article (*i.e.*, the Abandoned Property Fund); (4) Interest earnings of the Fund; and (5) Any other money from any other source accepted for the benefit of the Fund. See Md. Code Ann., Real Prop. §8-909(e) (1) – (5).

<sup>xxxi</sup> Under current law, effective January 1, 2025, the Fund no longer includes money from the Abandoned Property Fund). Acts 2022, c. 40 §2.

# APPENDIX A

## SUMMARY of TASK FORCE RECOMMENDATIONS

### OUTREACH and EDUCATION

#### Communications & Outreach Strategy

- Integrate the need for coordination, communications, data and evaluation expertise specific to the communications and outreach plan in the Outreach RFP.

#### Centralized Repository For Pre-Filing Notices

- Create a centralized repository for the 10-day notice that can be used to track the number of notices and to conduct targeted outreach.
- Enforce the use of form DC-CV-115, the court-mandated 10-day pre-filing notice.
- Evaluate the language in the 10-day notice to ensure clarity of purpose; add language about the right to access counsel when facing eviction (the ACE Program) to the list of civil legal aid organizations.

#### *For the Judiciary or General Assembly*

- Create uniformity through court rule or legislative reform to reflect that the failure to produce proof of the provision of the 10-day notice by the landlord is grounds for dismissal.

### PROGRAM DESIGN AND IMPLEMENTATION

#### Coordinated Intake System

- Make 211 the single call-in number that can be publicized in all Phase 1 counties (and even beyond) to receive ACE help (legal information and referral), even in the absence of a coordinated intake function. Increase

existing 211 capacity to receive and field legal information and referral calls to civil legal aid organizations.

- Encourage local groups to build trust within communities to use 211 for ACE help.
- Ensure the online portal function on the website is made live for all Phase I counties at the same time.

### **Uniform Court Rules**

#### *For the Judiciary*

- Reconsider proposed rules changes and adopt those associated with facilitating implementation, calling of the docket, and recess for legal services.
- Create a mechanism to be transparent and consistent with time to docket and the number of cases on each docket for each jurisdiction.
- Dedicate space for confidential consultations between attorneys and clients, using mobile spaces, if necessary, and include appropriate funding in the budget to add additional space where necessary.
- Provide language access services outside of the courtroom, during attorney-client consultations.

#### *For the Judiciary or General Assembly*

- Create uniformity in recesses and postponements through court rule or legislative reform to ensure meaningful access to counsel.

### **Adequate Staffing**

- Raise pay of ACE staff to ensure appropriate recruitment for ACE Program.
- Implement collaborative models to enhance infrastructure across organizations.

- Invest in administrative and paraprofessional support to enable attorneys to maximize time on legal matters.
- Partner more closely with law schools, pipeline programs and other attorney associations to engage and recruit law students and young lawyers into the field.
- Encourage private attorneys to participate in pro bono representation of tenants through non-profit entities.

## **PROGRAM ASSESSMENT AND EVALUATION**

### **Outreach and Evaluation**

*For MLSC*

- Continue to implement the evaluation recommendations made in the Roadmap Report.

### **Centralized Eviction Data Hub**

*For DHCD*

- Create a real-time Eviction Data Hub that analyzes and visually displays eviction data.
- Ensure inclusion of an equity analysis in the Eviction Data Hub.

## **PROGRAM FUNDING**

*For the General Assembly*

- Provide sufficient state funding for the Access to Counsel in Evictions Program to fully implement the Program throughout the State as required by the statute.

- Streamline funding sources, ideally to a single source like a line-item in the state budget or the Abandoned Property Fund, in order to simplify procurement and reporting requirements.
- Remove the one year restriction on the Abandoned Property Fund to make it a perpetual and permanent source of funding for the ACE Program.
- Reevaluate funding amounts each year anticipating necessary increases to expand and fund complete implementation, including outreach.