



ACCESS TO COUNSEL IN EVICTIONS TASK FORCE



**REPORT OF THE
ACCESS TO COUNSEL
IN EVICTIONS
TASK FORCE
JANUARY 2024**

EVICTIION

NOTICE

Dear tenant,

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STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

Letter from Attorney General Anthony G. Brown

In 2021, Maryland led the way by becoming one of the first states in the country to provide tenants the right to counsel in eviction proceedings. The State's aim was to provide tenants with equal footing in an arena where they were historically disadvantaged. In years past, over 90% of landlords and housing providers have had legal representation, whereas over 90% of tenants did not. Our justice system only works when both parties have access to counsel.

The Access to Counsel in Evictions (“ACE”) law is designed to ensure tenants have a fair eviction proceeding, reduce the high number of eviction proceedings, and keep more Marylanders in their homes. The ACE Task Force, established under the law, ensures that information is shared among stakeholders and that all stakeholders' voices are heard as the law is implemented. The Task Force also evaluates the provision of services outlined in the law, identifying potential funding sources, recommending ways to improve the program, and issuing a final report annually on or before January 1st.

The Task Force’s 2024 report details crucial findings and recommendations. The most important recommendation is the identification of a source of consistent and permanent funding. Generally, the Task Force recommends providing sufficient and stable funding for the ACE Special Fund to fully implement the ACE Program (“Program”) throughout the State as required by the statute. Specifically, the Task Force urges the Governor and General Assembly to provide \$6 million in additional funding for FY 2025 to achieve expansion and full implementation of the Program by 2025. I urge our state leaders to invest in these recommendations to provide a fair justice system for tenants seeking counsel in eviction proceedings,

Other key recommendations include: (1) ensuring standardization of process and uniformity in the District Courts to enable meaningful implementation of the statewide ACE law; (2) working with the Public Housing Authorities to ensure implementation of ACE law in subsidized housing terminations; (3) engaging Sheriffs’ offices on data quality standards; (4) ensuring that tenant perspectives and the tenant voice is incorporated in the implementation of the ACE law; (5) forging partnerships that enable equity analyses of eviction data; and (6) convening regular check-ins with key stakeholders to monitor implementation and problem-solve on an on-going basis.

Implementation of this monumental new state law involves many stakeholders. I urge all stakeholders, especially the Public Housing Authorities, the Judiciary, and the Sheriffs' Offices to implement these recommendations so that all Marylanders who are facing eviction can exercise their right to access counsel.

I want to specifically thank those who established this innovative statewide Program, including the Maryland Legal Services Corporation, state agencies, the Judiciary, legal service and housing providers, and community-based organizations. Thank you to the Task Force Members for their renewed commitment to equity and justice. I want to also thank Reena Shah, the Chair of the Task Force, for her unwavering commitment to increase access to counsel for tenants in Maryland. And finally, thank you to the Office of the Attorney General staff Sophie Asike, Tara Miles, and Rebecca Salsbury for supporting the Task Force's work.

Sincerely,

A handwritten signature in black ink, appearing to read "A.G. Brown". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Anthony G. Brown

Members of the Maryland Access to Counsel In Evictions Task Force

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Open Seat

INTRODUCTION

During the 2021 legislative session, the Maryland General Assembly passed HB 18,¹ which became the Access to Counsel in Evictions law (ACE law), 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 ACE law provides that all Marylanders who income qualify, *shall* have access to legal representation “in judicial or administrative proceedings to evict or terminate a tenancy or housing subsidy.” As such, the law creates a right for all income-qualified Marylanders to access counsel in eviction proceedings.

The ACE law went into effect on October 21, 2021, but there was no funding attached to it until the 2022 legislative session, when the Task Force recommended and the access to justice community successfully advocated with the Governor and the Maryland General Assembly to achieve two years of seed funding to begin implementing the ACE law, receiving \$11.8M for FY2023 and \$14M for FY2024. Then, again, during the 2023 legislative session, the Task Force recommended, and the access to justice community succeeded in acquiring three additional years of base-level funding of \$14M per year to fully implement the ACE law until FY2027.

Almost three years in, it is important to remember why the law was passed - to reduce evictions and disruptive displacement² and curb the harms that come with experiencing the trauma of an eviction. The devastating effects of evictions on individuals, families, and communities have been well-documented.³ Evictions result in great economic burdens on both landlords and tenants. A study of low-income mothers found that “eviction results in multiple and multidimensional negative consequences for mothers leading to both ‘economic hardships and health problems.’”⁴ For children, the consequences of an eviction can negatively affect their performance in school, cause or contribute to behavioral issues, and increase health risks.⁵ It is also well-established that the consequences of evictions fall disproportionately on communities of color, especially Black women.

¹ <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/HB0018?ys=2021rs>.

² According to the HB 18 preamble, disruptive displacement can include delaying evictions, providing clients more time to move and securing access to housing.

³ Stout Risius Ross, LLC, *The Economic Impact of an Eviction Right to Counsel in Baltimore City* (May 8, 2020) (*Stout Study*).

⁴ See, e.g., Robert Collinson & Davin Reed, *The Effects of Eviction on Low-Income Households* (Dec. 2018), <https://bit.ly/3lrYftK>; Matthew Desmond & Rachel Tolbert Kimbro, *Eviction’s Fallout: Housing, Hardship, and Health*, 94 *Soc. Forces* 295, 295-301 (2015), https://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.evictions.fallout.sf2015_2.pdf.

⁵ See Matthew Desmond et al., *Evicting Children*, 92 *Soc. Forces* 303, 320 (2013), https://scholar.harvard.edu/files/mdesmond/files/social_forces-2013-desmond-303-27.pdf.

In other jurisdictions, access to legal representation has been proven to reduce eviction and disruptive displacement of families as well as reduce the attendant social, economic, and public health costs of eviction and displacement. The law acknowledged the outsized level of eviction filings and the high rate of evictions in Maryland and cited the reasons below to have access to counsel:

- Evictions come with collateral consequences which may have a generational impact.
- Evictions create a significant cost for state and local governments including costs associated with shelters, education, transportation for the 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 ACE law tasked the Maryland Legal Services Corporation (“MLSC”) with the responsibility to administer and implement the ACE law, which is on track to be fully phased in by October 1, 2025, if sufficient funding is provided.

The ACE law also created the Access to Counsel in Evictions Task Force (“Task Force”), whose charge is to:

- Evaluate the services provided through the Access to Counsel in Evictions program (Program);
- Study potential funding sources; and
- Make recommendations to improve the implementation of the Program, including necessary policy and statutory changes.

The existence and creation of a task force to monitor implementation is unique among states and jurisdictions that have similar laws. This Task Force is viewed positively, on a national basis, because it allows for a birds-eye and systems-level review of a new and substantial implementation effort that has many moving pieces and high stakes. It also enables us to have a critical eye, spot issues and course correct along the way to ensure successful and meaningful implementation.

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, 2023, and “each January 1 thereafter.”

Thus far, the Task Force has delivered two reports. The inaugural 2022 Report laid out the roadmap for implementation of the ACE law (“Roadmap Report”)⁶ and the 2023 Report⁷ captured the very beginnings of the implementation of the ACE law.

After the Task Force delivered its 2023 Report, it resumed its work during the fall of 2023, in preparation to deliver its third annual report. Starting in October, 2023, the Task Force held six plenary meetings in total,⁸ inviting all key stakeholders to share information of the progress of implementation of the Program.

At the meetings, the Task Force received a national perspective from the National Coalition for the Civil Right to Counsel and heard from key local stakeholders, including MLSC, the Maryland Judiciary, and the Department of Housing and Community Development (“DHCD”). It also heard from the civil legal aid organizations that have received grant funding from MLSC⁹ to implement the ACE law, as well as organizations involved in building the coordinated intake system,¹⁰ conducting the data and program evaluation¹¹ and doing tenant outreach.¹² As time was limited in the meetings, the Task Force also requested written reports from civil legal aid organizations, landlords and the Maryland Sheriffs’ Association. The Task Force’s inquiry focused on the status of implementation; what was working well and the areas that were of concern and required reform.

The Task Force also engaged in independent research and information-gathering and reviewed reports from other jurisdictions implementing similar programs and learned of best practices from other states and jurisdictions that are part of the national right to counsel movement.

This report captures the Task Force’s findings and recommendations.

⁶ Maryland Access to Counsel in Evictions Task Force, Report of the Access to Counsel in Evictions Task Force (January 2022).

⁷ Maryland Access to Counsel in Evictions Task Force, Report of the Access to Counsel in Evictions Task Force (January 2023)

⁸ 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>.

⁹ CASA, Community Legal Services of Prince George's County, Disability Rights Maryland, Homeless Persons Representation Project, Maryland Legal Aid, Shore Legal Access, Pro Bono Resource Center and Public Justice Center.

¹⁰ United Way of Central Maryland and Civil Justice, Inc.

¹¹ Stout Risius Ross, LLC, Preliminary Observations from Stout’s Evaluation of Maryland is Access to Counsel in Evictions Program (October 17, 2023).

¹² Baltimore Renters United; CASA; Clay Street Community Development Corporation, Economic Action Maryland; Montgomery County Renters Alliance; Spanish Speaking Community of Maryland and United Workers.

GUIDING PRINCIPLES

In addition to policy recommendations, the Roadmap Report adopted a set of guiding principles to inform the implementation of the ACE law. We include these at the top of each report to remind and guide us along the ACE law's implementation journey. 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 in 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 AND RECOMMENDATIONS

As implementation of the ACE law proceeds, it is important to reiterate the need for an effective ACE law. With pandemic protections and rental assistance depleted, the ACE law is the best tool to protect against evictions in Maryland. The Task Force's efforts to evaluate the Program and put forth recommendations are done with the intent of advancing successful implementation of the ACE law so that Marylanders can get the help they need to avoid the harm associated with an eviction.

Key Lessons from the National Right to Counsel Movement

To get a national perspective on the national right to counsel movement, the Task Force invited and heard from John Pollock at The National Coalition for a Civil Right to Counsel (“NCCRC”).¹³ NCCRC is an association of individuals and organizations committed to ensuring meaningful access to the courts for all. Part of NCCRC’s mission is to encourage, support, and coordinate advocacy to expand recognition and implementation of a right to counsel for low-income people in civil cases that involve basic human needs, such as shelter.

NCCRC reported that in the past four years, 22 jurisdictions have enacted a right to counsel tenants facing evictions.¹⁴ Maryland is one of seven states and 16 cites that legislatively adopted a right or access to counsel for tenants. Additionally, there are currently 17 jurisdictions exploring the right to counsel in eviction cases.

In their national review summarizing studies from different states, NCCRC found the following:¹⁵

- In Connecticut, 71% of tenants facing evictions avoided an involuntary move and 76% avoided eviction on their record, with the state realizing savings of \$5.8M to \$6.3M.
- In New York City, 84% of represented tenants remained in their houses; eviction filings dropped by 30%; and defaults fell by 34%.
- In San Francisco, 60% of tenants with representation were able to stay in their homes.
- In Washington state, tenants remained in their homes in 50% of closed cases.
- In Boulder, 63% of tenants remained in their homes, which was a 26% increase from prior years.
- In Cleveland, 93% of tenants avoided eviction or involuntary move; 92% of tenants seeking additional time to move were granted it; and 97% of tenants seeking monetary relief received it.¹⁶

In addition to sharing the successes nationally, NCCRC identified the most common challenges to implementation of right to counsel laws:

- Attorney pipeline
- Effective notice to tenants

¹³ The NCCRC is an initiative of the Public Justice Center, which is a grant recipient of the ACE Program.

¹⁴ The Right to Counsel for Tenants Facing Eviction: The Latest on the Movement. John Pollock. October 12, 2023.

¹⁵ Id.

¹⁶ http://civilrighttocounsel.org/uploaded_files/280/Landlord_and_tenant_eviction_rep_stats__NCCRC_.pdf.

- Tenants who appear in court without counsel
- Court cooperation
- Expanded / adjusted funding

Indeed, all of these implementation challenges cited by NCCRC are present in Maryland as well and will be discussed in detail below.

Summary of Status of ACE Program in Maryland

Planning and implementation of the ACE law is now well underway in Maryland. The Task Force appreciates the strides that ACE stakeholders have made in developing the infrastructure to implement this complex statewide program. The Task Force would like to recognize and commend the work of MLSC, which has largely proceeded to implement the ACE law in accordance and alignment with the Task Force's Roadmap Report and has skillfully managed this behemoth task. MLSC was thanked multiple times by its grantees, not only for its funding, but for being a solid partner in the ACE law's implementation. Additionally, the Task Force appreciates the work of the civil legal aid organizations that have committed their time and resources towards ensuring meaningful implementation of the ACE law. The Task Force encourages other key stakeholders, including the Maryland Judiciary, Public Housing Authorities and Sheriffs' Offices, to become highly engaged as well to help effectuate successful implementation.

Below is a snapshot of ACE law implementation in Maryland between October 2022 to October 2023.

The Positive Impact of the ACE Law

MLSC reports on the positive impact of the ACE law. During FY2023, MLSC made the first round of ACE grants, totaling \$7,130,071 to eight nonprofit legal services providers and both Maryland law schools, covering 11 jurisdictions.¹⁷ A total of 4,800 total tenants were served in FY2023. Of the 3,795 cases where full representation was provided through ACE in FY2023, 76% of tenant households avoided disruptive displacement. ACE grantees helped Maryland residents receive more than \$415,000 in housing judgments and avoided more than \$4.5 million in direct costs¹⁸. Moreover, MLSC reports an uptick in the percentage of tenants who received full representation and avoided disruptive displacement in Q1 of FY2024 from 76% to 85%.

¹⁷ The FY2023 ACE grant recipients received the following grant amounts: CASA \$284,433; Community Legal Services of Prince George's County \$708,205; Disability Rights Maryland \$160,482; Homeless Persons Representation Project \$480,314; Maryland Legal Aid \$1,639,722; Shore Legal Access \$294,413; Pro Bono Resource Center \$1,783,481; Public Justice Center \$456,522; University of Baltimore School of Law \$77,800; University of Maryland Carey School of Law \$129,986.

¹⁸ Maryland Legal Service Corporation. Written Submission to the Access to Counsel in Evictions (ACE) Task Force (October 3, 2023).

Further, civil legal aid organizations report seeing positive outcomes for tenants who are represented by counsel.

Shore Legal Access (“SLA”), which became an ACE provider in 2022 and serves eight counties on the Eastern Shore, reports the following:

“Tenants on the Eastern Shore have embraced the opportunity to obtain legal representation through ACE since the program began. SLA’s staff and volunteers have represented over 200 tenants through ACE with more favorable outcomes for tenants in nearly every case. These services collectively helped tenants reduce their financial burden by over \$100,000. When given the chance to have representation, tenants are taking advantage of that option, and as a result, getting better outcomes. A recent client won a breach of lease case that would have left her and her five children homeless had she not had legal representation. Tenant counsel helps to balance out the power differential between landlords and tenants, enabling more cooperative solutions frequently including more time for tenants to pay, or to find alternative housing leading all parties to obtain more than what they likely would have gotten without tenant counsel. ACE has a concrete impact on household financial stability and prevents homelessness in our community.”¹⁹

CASA, another ACE grantee, which serves many immigrant communities and Spanish-speaking individuals in central Maryland, shared this success story:

“A CASA staff attorney has worked with Denise, a CASA member from Prince George’s County, for the past several months. Denise has lived in her apartment for 15 years, but after a change of management in 2022, an already precarious building maintenance situation deteriorated further, and rapidly. The landlord did not respond to her numerous complaints: a broken toilet, a rampant cockroach infestation, and a rodent infestation in multiple rooms, among others. After withholding rent in the fall of 2022, Denise was brought to court for FTPR and a CASA attorney asserted rent escrow defensively. MM represented Denise throughout the multiple rent escrow hearings until the conditions were finally fixed – approximately nine months later. Denise won her rent escrow case in District Court. During the final hearing, the judge admonished the landlord for their delays and awarded Denise over \$7,000 – more than 90% of the money held in escrow. The landlord appealed and sent her a notice to vacate immediately thereafter,” extending the need for legal representation.²⁰

¹⁹ Shore Legal Access, Written Submission to the Access to Counsel in Evictions (ACE) Task Force. (October 13, 2023).

²⁰ CASA Written Submission to ACE TF.

Funding

These are the current funding allocations for the ACE law. Due to tiered implementation, it was foreseen that the budget would need to increase year over year to achieve full implementation. The FY2025 budget is \$6M short in its allocation.

Fiscal Year	Funding Allocation Amount	Funding Source
FY2022	None	None
FY2023	\$6.4M	Budget Appropriation
FY2023	\$5.4M	ERAP-2
FY2024	\$14M	Abandoned Property Fund
FY2025	\$14M	Abandoned Property Fund
FY2026	\$14M	Abandoned Property Fund
FY2027	\$14M	Abandoned Property Fund

Staffing the ACE Program

Based on FY2023 year-end reporting, MLSC grantees had 32.79 attorney FTEs, 14.0 paralegal FTEs, and 8.02 other staff FTEs working on ACE.²¹ MLSC reports that awards for FY2024 totaled \$14,897,475, approximately a twofold increase over FY2023. MLSC grantee FY2024 staffing projections include 81.98 attorney FTEs, 35.79 paralegal FTEs, and 31.49 other staff FTEs. However, these numbers are dependent on the ability of civil legal aid organizations to hire talent, which has proven to be challenging.

A common challenge voiced by many civil legal aid organizations has been the difficulty in hiring staff. Maryland Legal Aid, the largest ACE grantee, shared this with the Task Force:

“As MLA has attempted to keep pace with rising needs for legal services among Maryland tenants, we have faced challenges in hiring and retention. We compete with fellow ACE-grantees in the same jurisdictions to recruit good candidates and we are hampered by the lack of parity with the salaries of peer organizations, often state agencies like the Public Defender, the department of social services or the Office of the Attorney General. We currently have 14 open

²¹ These numbers do not include the use of contract attorneys or the staff for Coordinated Intake.

ACE-funded attorney and paralegal positions. Capacity constraints are a hard reality, though a familiar one, for MLA and other legal services providers who must triage cases based on merit to determine whether to take a case. With the ACE program, however, we have committed to transitioning our approach to client representation from merits-based to rights-based – meaning, if capacity allowed, we would take any ACE-eligible renter’s case for representation, independent of whether they had a “good defense,” because they have a right to counsel. Even with the ACE program, however, capacity constraints often do not permit that rights-based approach. Since May 2023 when we began tracking this information, we have limited 375 facially ACE-covered cases to “advice only” because we lacked capacity for representation.”

Other Aspects of ACE Implementation

MLSC has worked on implementing other components of the law by funding efforts to build a pipeline of attorneys²² who would take up this work; to develop the first-of-its-kind coordinated intake system for civil legal aid in Maryland;²³ to create the first system of robust data collection and program evaluation;²⁴ and to bring on community groups to conduct outreach and education²⁵ about the ACE law. MLSC has also worked to convene a series of tenant focus groups through a local research institution, although tenant engagement has been challenging.

Likewise, the Maryland Judiciary has developed sandwich boards to inform tenants of the ACE Program, and administrative judges in District Courts around the State are discussing and sharing best practices to implement the law. The Public Housing Authorities, who manage the administrative law subsidy termination cases covered by the ACE law, have thus far not been engaged in implementation and need to be so. Additionally, the Sheriffs’ Offices also have a big role in implementation of the ACE law and need to be further engaged.

DHCD has established an eviction data dashboard in accordance with the Eviction Data law.²⁶ In comparing the figures from FY2019 to FY2023, the Evictions Dashboard²⁷ shows that Failure to

²² MLSC has granted ACE funds to Maryland’s two law schools. The University of Maryland Francis King Carey School of Law created an Eviction Prevention Clinic with the funds and The University of Baltimore School of Law created a Law Housing Justice Fellowship Program. MLSC also funds the Equal Justice Works fellowship through general, not ACE, funds.

²³ The United Way of Central Maryland, Civil Justice, Inc. and A2J Tech. have partnered to created the Coordinated Intake System.

²⁴ MLSC contracted with experienced evaluators, Stout, Risius, Ross, LLC (Stout), to conduct an evaluation of the Program.

²⁵ MLSC has contracted with 7 community groups to conduct tenant outreach and education services in 11 jurisdictions.

²⁶ See Md. Code Ann., Real Prop. 14-133.

²⁷ See

<https://app.powerbigov.us/view?r=eyJrIjoieWV1Yzg0YjYtNDfkZS00MDUyLThlMDctYmE1ZjY5MGI0MWJhIiwidCI6IjdkM2I4ZDAwLWY5YmUtNDZlNy05NDYwLTRlZjJkOGY3MzE0OSJ9&pageName=ReportSection>

Pay Rent (“FTPR”) cases have decreased by 40%; warrant of restitution cases have decreased by 46%; and overall evictions have decreased by 18%.²⁸

With many moving parts and the need to build critical infrastructure and new processes, implementation can be a complicated and challenging process. Maryland has taken leaps since last year and established a solid foundation for an effective ACE Program in the state.

OVERARCHING ISSUES

While most of the findings and recommendations fall under specific predefined areas, the Task Force wanted to highlight a few overarching issues related to the Guiding Principles that need more attention.

Tenant Voice

As noted earlier, one of the Task Force’s Guiding Principles was to “incorporate the voice and feedback of residents impacted by eviction in system design, development, and assessment.” The Task Force noted that the tenant voice has yet to be effectively incorporated into many aspects of ACE implementation.

MLSC reported that it contracted with the Schaefer Center for Public Policy at the University of Baltimore to conduct tenant focus groups. Despite multiple attempts to convene focus groups in FY2023, including offering \$75 gift cards to tenants for their participation, the Schaefer Center could not secure a tenant pool of sufficient size to conduct the tenant focus groups in Montgomery and Prince George's Counties and on the Eastern Shore. In Baltimore City, although the Schaefer Center had nine tenants confirmed to attend a focus group, only one tenant showed up.

Indeed, the Task Force, itself, struggled with filling a seat designated for a tenant on the Task Force, even after trying to accommodate tenant feedback outside of the regularly scheduled meeting times, doing personal outreach, requesting names from civil legal aid organizations receiving ACE funding, and advertising the opening on the OAG website.²⁹

The difficulty engaging and incorporating the tenant voice may be indicative of larger challenges tenants face when trying to access services or deal with their eviction cases - which makes it all the more imperative to find creative solutions to ascertain their voices in the law’s implementation. Building a new system from the ground up is not an opportunity that we get very often. We want to ensure that this system is built properly, is user-friendly and user-tested

²⁸ Chief Judge John P. Morrissey. Written Submission to the Access to Counsel in Evictions (ACE) Task Force (October 5, 2023).

²⁹ See <https://www.marylandattorneygeneral.gov/Pages/A2C/index.aspx>.

and reaches tenants who are the most vulnerable and in need of services to help them overcome long-standing barriers to access and justice.

Some questions that we need to seek answers from tenants include:

- Are the methods used to reach tenants effective?
- Do tenants know about their right to access counsel?
- Is it easy for tenants to connect to services and receive help?
- What would make the system as established more user-friendly and effective for tenants?

In order to incorporate the tenant voice, we may need to go to where the tenants already are, instead of trying to get them to us. For example, conducting exit interviews after court hearings or at social services offices; engaging the community outreach providers to conduct interviews; going to food pantries, grocery stores or laundromats, etc. MLSC reports that they are already working with the Schaefer Center to identify alternate ways of securing tenant feedback during FY2024.

Equity

Another central guiding tenet emphasized by the Task Force was to “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 in households with children.”

The data from Stout, Risius, Ross (“Stout”), the organization doing the data collection and analysis on behalf of the Program, shows that 73% of ACE clients identify as female, compared to 51% of Maryland residents, and 75% of ACE clients identify as Black or African American compared to composing 32% of Maryland’s population. Further, a majority of ACE client households, 53%, have at least one child.³⁰

This data is beginning to show us and confirm suspected differences related to eviction based on race and gender. However, this data only represents those who are currently receiving services, not an understanding of the full population that may need services, but may not be aware or connected with ACE services at all, like for example, Marylanders who speak another language besides English or Spanish. To keep equity at the center of the implementation of this law, we must have deeper analysis and may need to engage other academic and/ or experts to even understand the questions we should be asking and the analysis we should be conducting to ensure that we are reaching the people who need the services the most; that those people are

³⁰ Stout Risius Ross, LLC, Preliminary Observations from Stout’s Evaluation of Maryland is Access to Counsel in Evictions Program (October 17, 2023).

receiving the services; and that we are tracking and rectifying disproportionate outcomes based on race, gender and other equity-related metrics.

Recommendations

For MLSC

- Carry through with Tenant Focus Groups or other means of collecting tenant feedback to ensure the system developed by the ACE Program is user-friendly, effective and equitable.
- Ensure incorporation of race equity and other equity analysis into program evaluations and/ or seek out academic and/or other experts to do so.

For the Task Force

- Ensure requisite tenant voices on the Task Force.

OUTREACH AND EDUCATION

One of the keys to successfully implementing the Program is having tenants know that they have a right to access counsel. Every effort must be made, and every opportunity taken, to inform tenants of the ACE law and their right to access counsel under it - including through outreach organizations, notices, and a public information campaign.

The ACE statute required MLSC to create and distribute an informational pamphlet that describes the legal rights of tenants and the Access to Counsel in Evictions program and provides information on resources available to tenants.³¹ Sheriff's and constable offices across the state are required by the ACE law to provide a copy of the pamphlet when serving process on a tenant in all failure to pay rent, tenant holding over, or breach of lease cases. MLSC developed this pamphlet and began distributing it to sheriff and constable offices across the state in October 2022. From October 2022 through June 30, 2023, MLSC distributed over 400,000 copies of the pamphlet to sheriff and constable offices across the state. The pamphlet contains QR codes to access the pamphlet in five additional languages online - Spanish, French, Chinese, Korean, and Russian.

Nonetheless, legal service providers are reporting that tenants continue to connect with their counsel representation in the courtroom and not prior to their trial dates. For example, the Public Justice Center ("PJC") is present in court, to provide same-day legal services for six failure-to-pay-rent evictions dockets each week in Baltimore City. PJC has observed that

³¹ Md. Code, Real Property 8-905.

approximately 60% of their representation cases come from outreach conducted inside the courthouse when they provide same-day legal services during Baltimore City summary ejectment dockets.³² PJC further reports that most tenants they speak to either did not know that legal services were available prior to coming to court, or if they did know, they were unable to access those services because they only received the complaint 2-3 days before trial.

This leads to PJC having less than 20 minutes prior to a hearing to meet with a potential client, which limits the capacity to develop a meaningful defense without sufficient time to research public records, obtain documents, and prepare testimony. If tenants could reach legal services providers consistently prior to trial, attorneys would be better prepared to proceed with defenses and less likely to request postponements. It is also likely that more cases could settle prior to trial when attorneys have time to reach out to the opposing party.

Part of the reason for this is beyond outreach and has to do with court operations. In some jurisdictions, like Anne Arundel County, the time between filing the complaint and trial can be as little as 5 days, not leaving enough time for the Sheriff's Office to serve the summons and brochure and for the tenant to connect with a legal services provider in advance of trial.

Thus, we must continue to explore and incorporate best practices and successful strategies to reach and inform tenants at the earliest possible time of their right to access counsel under the ACE law and consider reform that may be necessary to address the time to trial.

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 efforts to promote the ACE law are underway. MLSC intentionally released the RFP for outreach later than RFPs for other components of the Program to ensure that the Program was up and running before publicizing its existence. In February 2023, MLSC issued a RFP for Tenant Outreach and Education to solicit nonprofit community groups to provide tenant outreach and education services in 11 jurisdictions beginning in April 2023. There are 7 groups that received the grant to conduct outreach: Baltimore Renters United, CASA, Clay Street Community Development Corporation, Economic Action, Maryland, Montgomery County Renters Alliance, Spanish Speaking Community of Maryland and United Workers. MLSC expects tenant outreach and education services to be expanded to all 23 counties in Maryland and Baltimore City beginning in January 2024.

³² Public Justice Center. Report of Public Justice Center on Implementation of Access to Counsel in Evictions Law (October 13, 2023).

The Task Force has previously identified many complexities associated with doing successful outreach and communications, which include: tailoring messages to notify tenants of the ACE program; developing testing for the outreach messages and strategies; utilizing pre-existing data to target outreach; targeting vulnerable populations and assessing whether that outreach is successful for those populations; incorporating research on why people do not reach out for help; referencing data from other social services organizations; and utilizing a mix of messengers and print and digital tactics.

The community organizations that presented to the Task Force - the Montgomery County Renters Alliance, Baltimore Renters United, Economic Action and United Workers, among others - indicated that they were incorporating many of the suggestions shared in the Task Force's Roadmap Report, including meeting regularly, coordinating and sharing information, discussing strategies and learning from each other. They also incorporated a mix of strategies and tactics to reach people where they were, including through digital and in-person means, like door-to-door outreach. Further, for many, but not all of the community providers, they had existing relationships in the communities that they were serving and already were the trusted messengers in their communities.³³ Many also reported partnering with other key messengers and partners, as highlighted in previous Task Force reports, including - state and local housing departments, social services organizations, continuum of care coalitions, public schools, head start programs, faith based organizations, grassroots tenant and community groups, food pantries, and public libraries. Finally, outreach providers are beginning to utilize pre-existing data to target outreach.

Outreach providers are working collaboratively with MLSC to develop messaging and a standard set of outreach materials that all outreach providers are using. MLSC distributed over 61,000 copies of these materials (flyers and door hangers) to the outreach providers in FY2023. They are also tailoring materials for more targeted outreach to specific populations. Each organization also has varying levels of existing relationships in the communities they serve.

However, while the outreach component seems to be moving along, there are some structural and systemic components related to outreach and communications that have not been incorporated or addressed in the existing outreach scheme that we encourage MLSC to address as it moves forward.

As mentioned above, one overarching issue is that most civil legal aid organizations are reporting that tenants are still not aware of the ACE Program and that most people are learning about the ACE Program for the first time when they come to court. We understand that this is one consideration for analyzing current outreach efforts, but these issues are also related to the time to trial as mentioned above. When a tenant household is only receiving an eviction complaint 1-3

³³ For example, CASA maintains a legal hotline allowing any member to call and receive a one-on-one housing-related counseling session. CASA also hosts "do know-your-rights presentations" and other education sessions in tandem with other departments and upon the request of tenants' associations.

days before trial, outreach alone will not fix the fundamental problem of the lack of time imposed by the short time to trial.

To address the knowledge gap through outreach to the greatest extent possible, however, there are a few components of the outreach strategy that should be improved upon, and the Task Force wants to re-emphasize them here:

1. The previous two Task Force reports emphasized the need for heavy coordination on communications and outreach and recommended a coordinating entity to manage the entirety of the outreach strategy and public information campaign. The 2023 Report recommended that the Outreach RFP “should include local community groups as the organization that carry forth and deliver the uniform messages, while recognizing the considerable other work and expertise necessary to create an outreach plan, coordinate implementation of the plan, and conduct an evaluation of the plan. This would require an entity that has experience with large-scale coordination, as well as consultations with communications, data, and evaluation experts to ensure the Program has an effective communication and outreach strategy.” We reiterate the need for a coordinating entity to bridge any gaps in communications and to provide the increased expertise and capacity necessary to engage in a statewide communications campaign about the ACE law.
2. Further, the Roadmap Report and 2023 Report included a recommendation to conduct an outreach evaluation, which requires testing different messages, tracking the effectiveness of communication and outreach strategies and metrics to ensure the Program is reaching the most vulnerable populations, is equitable in its reach, and is using strategies that have been proven to work. We should ensure that an outreach evaluation is integrated into the scope of work for program evaluation.
3. As Stout collects and reports on more data, it will be important to conduct analyses that help the target outreach and services to the most vulnerable and at-risk Marylanders.
4. Finally, we learned that there was no way to connect the outreach effort to a person ultimately receiving services. It would be helpful to close the loop between outreach and service provision to the extent feasible.

Recommendations

For MLSC

- Add a centralized coordinating entity to develop a centralized outreach strategy and implement a public information campaign.
- Ensure inclusion of an outreach evaluation as part of the scope of work of the program evaluation.

- Use program data, analysis and visualizations to target outreach.
- Close the loop between outreach efforts and service provision to the extent feasible.

Lease

Beyond conducting outreach through community groups, the Roadmap Report also referenced notifying tenants, at every stage of their tenancy, of their right to access counsel, starting with their leases and through landlords. The Task Force requested from its landlord members information as to how they are providing information about the ACE Program in their leases and other written communications, but it remains unclear whether there is any concerted or organized effort to do so.

Recommendations

For Landlords

- Inform tenants of their right to access counsel at every stage of their tenancy, starting with the lease, but also through signage in the rental office, in rental buildings, in meetings with tenants and more.

Court and Administrative Notices

A simple, concise and easy way to inform tenants of their right to access counsel can be achieved by including language about the ACE law in every eviction-related court and administrative law notice sent to tenants, including pre-filing notices, summonses and complaints. Court cases include Failure to Pay Rent, Tenant Holding Over, Breach of Lease; and administrative proceedings include Subsidy Terminations. At present, most of these court and administrative documents DO NOT include information about the ACE law or the tenants' right to access counsel. While there has been interaction and discussion with the Judiciary about their notices (discussed in further detail below), the Public Housing Authorities ("PHAs") have not been engaged about their role in implementing the ACE law and the Task Force is not aware that they include information on the ACE law in termination notices. Each notice is an opportunity to notify the tenant of the ACE law and must include the language: "All income-qualified tenants shall have access to an attorney in their eviction case under the new Access to Counsel in Evictions law. Call 211 or legalthelpmd.org to see if you qualify and get connected to a lawyer."

Recommendations

For the Judiciary and PHAs

- Include language about the ACE law in every notice sent by the Judiciary, PHA or by all private operators of subsidized housing³⁴ in relation to a court case or administrative hearing related to the termination of a tenancy or housing subsidy.
- Include this language on the notices: “All income-qualified tenants shall have access to an attorney in their eviction or subsidy termination case under the new Access to Counsel in Evictions law. Call 211 or legalhelpmd.org to see if you qualify and get connected to a lawyer.”

Failure to Pay Rent 10-Day Pre-Filing Notice

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.

In addition to providing a right to access counsel, HB 18³⁵ also mandated a 10-day pre-filing notice to tenants in Failure to Pay Rent cases, which are the most voluminous types of eviction cases. In FY2019, there were 674,020 FTPR filings; while those numbers dipped during the pandemic, FTPR filings for FY2023 are rising and up to 401,797. The law took effect on October 1, 2021 and tasked the Judiciary with creating the form with specified requirements. The Judiciary created Form DC-CV-115, the 10-day Notice of Intent to File a Complaint for Summary Ejectment (Notice of Intent to Evict) form (see Appendix II).³⁶ The statute requires landlords to make the 10-day notice “in a form created by the Maryland Judiciary,” and the form is to be accompanied by a list of resources for help.

Advocates report many challenges with the 10-day notice form. They are listed below:

- The current pre-filing forms could more clearly outline the tenant’s right to access counsel. At present, the language states, “Tenants may qualify for a free lawyer through the Access to Counsel in Evictions program. Call 211 for a referral or visit legalhelpmd.org for more information.” It should instead say, “All income-qualified tenants shall have access to an attorney in their eviction case under the new Access to Counsel in Evictions law. Call 211 or legalhelpmd.org to see if you qualify and get connected to a lawyer.”

³⁴ Private operators of subsidized housing includes RAD, project-based, tenant

³⁵ H.B. 18, 2021 Gen. Assemb., Reg. Sess. (Md. 2021).

https://mgaleg.maryland.gov/2021RS/chapters_noln/Ch_746_hb0018E.pdf.

³⁶ H.B. 18, 2021 Gen. Assemb., Reg. Sess. (Md. 2021).

https://mgaleg.maryland.gov/2021RS/chapters_noln/Ch_746_hb0018E.pdf.

- Civil legal aid organizations continue to raise concerns that not all landlords are using the court-developed form DC-CV-115,³⁷ mandated by the law. For example, Maryland Legal Aid (MLA) has observed instances when the judges legitimize notices that do not use the Judiciary’s form (see Appendix III). The statute requires landlords to make the 10-day notice “in a form created by the Maryland Judiciary.” Thus, the Judiciary must uniformly reject the use of any other 10-day notice form, and enforce the use of only the form developed by the Judiciary. Because the specifications of the form are mandated by statute, there is a high chance, as seen in the form included in Appendix III, that something that landlords create on their own may not include all the necessary requirements, including the very important notice to tenants about their right to access counsel. Tenants must receive notice of the ACE law as early as possible and the 10-day pre-filing notice is one of the most important vehicles that must be used as intended by the legislature to achieve this end.
- The 10-day pre-filing notice is a condition precedent to being able to file a Failure to Pay Rent case and should be enforced uniformly. If the landlord is unable to produce this, the case should be dismissed.
- The Task Force also previously recommended the creation of a repository for the 10-day pre-filing notices, similar to the repository of foreclosure notices that the Office of the Commissioner of Financial Regulation (“OCFR”) in the Maryland Department of Labor (“MDOL”) maintains and uses. This would allow for macro level visibility into whether landlords are using the Judiciary-created notice and a cross-check for the timeliness of notices. From a data and outreach standpoint such a repository could also help identify hot spots for targeted outreach and give us the number of pre-filing notices as compared to the number of eviction filings to understand how the pre-filing notice is affecting court filings.
- Not all types of eviction cases have pre-filing notices. If pre-filing notices are successful at depressing case filing numbers and connecting tenants to legal representation early, they should be considered in every type of eviction case or administrative proceeding affecting the termination of tenancy or housing subsidy.

Recommendations

For the Judiciary and PHA

³⁷ See <https://www.courts.state.md.us/sites/default/files/court-forms/dccv115.pdf>. MLA further observed 10-day notices being delivered electronically without a tenant’s consent to electronic delivery; 10-day notices are being issued during the grace period that allows tenants to pay their rent after the first of the month without incurring a late fee; or 10-day notices that omit the contact information for the landlord or the property staff, which prevents tenants from seeking a copy of their rent ledger or otherwise resolving the dispute timely.

- Revise the 10-day pre-filing notice to say “All income-qualified tenants shall have access to an attorney in their eviction case under the new Access to Counsel in Evictions law. Call 211 or legalhelpmd.org to see if you qualify and get connected to a lawyer.”
- Uniformly enforce the use of form DC-CV-115 as the 10-day pre-filing notice form and reject all other landlord-created forms. Dismiss cases if any form other than the DC-CV-115 is used.
- Add specified language about the ACE law on any other existing pre-filing notice associated with a termination of tenancy or housing subsidy.

For the Judiciary and Executive Agencies

- Partner to 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.

For the Judiciary or General Assembly

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

For civil legal aid organizations

- Determine the other court cases and administrative hearings related to tenancy or housing subsidy termination that would benefit from pre-filing notices.

Court Summonses and Complaints

The summonses for eviction cases³⁸ do not inform tenants that under Maryland law, a tenant has a right to access legal representation if they income-qualify. Mainly, the summonses do not notify tenants that they “shall have access to legal representation,” as stated in RP § 8-902, if they meet eligibility criteria. The Failure to Pay Rent, Tenant Holding Over, and Breach of Lease forms each comprise both the complaint and the summons for their respective actions.³⁹ They do not include any information about legal representation. Instead, they advise: “Need legal help or rental assistance? Talk with a lawyer at a Maryland Court Help Center.” While the Help Center does alert and advise tenants when they are ACE-eligible, the notice itself does not notify tenants

³⁸ Md. Code Ann., Real Prop. §§ 8-401, 8-402, 8-402.1, and 14-132.

³⁹ Form DC-CV-082 (Rev. 10/2023); Form DC-CV-080 (Rev. 10/2023); Form DC-CV-085 (Rev. 10/2023).

of the mandate that legal representation will be provided for qualified tenants created by the ACE statute.⁴⁰

Additionally, according to the ACE law, MLSC must “develop an informational pamphlet ... describing the legal rights of tenants including the right and the access to counsel and providing information on resources available.”⁴¹ Further, “a Sheriff or Constable shall provide a copy of the pamphlet in addition to the process served on a tenant in an eviction proceeding for Failure to Pay Rent, ... Tenant Holding Over, ... and Breach of Lease.”⁴²

The Task Force has learned that there is a lack of consistency with the information provided by the Sheriffs’ Offices. Some Sheriff’s Offices are stapling the ACE Program brochures on the summons that are sent out to the tenants, while others are not including any materials with information about the ACE Program in the summons and complaint packets being sent to tenants. The practice of including ACE Programs materials with the summons is mandated by the law and should be uniform across the state.

The ACE Program brochures are a critical opportunity to notify tenants of their right to access counsel, so they can reach out immediately upon receiving the summons or complaint, rather than learning for the first time in court. When tenants are not reaching legal services providers early enough, it frustrates the process for intake, case assessment, and trial preparation because the tenants lack sufficient time before service of process to reach out to an ACE attorney and to complete the pre-trial steps. Legal service providers often have no other choice but to refer these tenants to day-of-court resources so they can find an available provider on the day of trial.

Recommendations

For the Judiciary

- Revise all summons and complaint forms for Failure to Pay Rent, Tenant Holding Over and Breach of Lease to inform tenants of the ACE law, using this language: “All income-qualified tenants shall have access to an attorney in their eviction case under the new Access to Counsel in Evictions law. Call 211 or legalhelpmd.org to see if you qualify and get connected to a lawyer.”

For the Sheriffs’ and Constable Offices and the Sheriff’s Association

- Engage Sheriff’s Offices in the state to include an ACE Program brochure at time of serving the summons as required by the ACE law.

⁴⁰ Maryland Legal Aid. Written Submission to the Access to Counsel in Evictions (ACE) Task Force (October 13, 2023).

⁴¹ Md. Code Ann., Real Prop. §8-905(a).

⁴² Md. Code Ann., Real Prop. §8-905(b).

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 Task Force recognized the importance of creating a centralized number and website that would be easy to publicize to tenants and easy for tenants to access and navigate. In addition to a centralized number and website, the Task Force also recommended a game-changing Coordinated Intake System (“CIS”) that would allow tenants seeking assistance to enter through a single portal and be routed to a civil legal aid organization that could represent them. The fact that we now have a CIS as part of the ACE Program is truly a major leap for the access to justice movement and the communities we serve. The CIS modernizes and simplifies the user experience and lifts the burden off of the tenants’ shoulders during a time of immense stress.

MLSC selected the United Way of Central Maryland (“UWCM”), who in turn partnered with Civil Justice, Inc. and A2J Tech, to develop the first-of-its-kind CIS in Maryland. A2J Tech did the work behind the scenes, namely developing and maintaining the technology and architecture for the CIS. Civil Justice works directly with the civil legal aid organizations to assess each organization’s capacities and develop the questions and logic trees for the guided intake; provides legal expertise and training to UWCM staff; and reviews difficult cases or assists when urgent action is needed. UWCM runs the centralized telephone number for tenants, 2-1-1, through which it screens and interviews tenants, reviews online intakes and connects tenants with the legal services organizations best suited to meet their needs.

The CIS soft-launched on May 1, 2023 in Baltimore City. Included in the soft launch was a progressive onboarding of service providers, testing and refining the system, and adding features such a client portal and notifications. On October 2, 2023, the CIS formally launched in Baltimore City, with plans to expand to the remaining jurisdictions in Maryland progressively through FY2025. A reasonable estimate of intakes when the system is fully scaled statewide is in the tens of thousands, which equates to hundreds of intakes potentially being performed each day. The 211 number and the <https://legalhelpmd.org/> website will be broadly shared through the outreach organizations on court notices and through traditional and digital media to reach Marylanders who need ACE services.

The primary goal of the CIS is to simplify the process for tenants who are seeking legal assistance in eviction matters. The CIS aims to remove one of the most arduous barriers to representation, which is that tenants would typically have to undergo the time-consuming process of finding the contact information for, and contacting, multiple legal services organizations and

undergoing numerous intakes and interviews to determine whether they met the applicable eligibility requirements. Having to go to such lengths to access legal representation is not only frustrating, especially during a time of extreme stress, it often results in delays in taking necessary actions in the courts, which in turn adversely affects case outcomes.⁴³

CIS also solves the problem of not being able to track if a person actually received help after being denied at one civil legal aid organization and going to the next. The closed loop envisioned and actualized by the CIS captures tenants once they enter the system, does warm hand-offs, and tracks whether they received the help they sought, greatly minimizing the chances of people falling through the cracks.

The ACE Coordinated Intake System includes three unique components:

- a centralized telephone number, which is already associated with information and referral in Maryland, 2-1-1, that tenants facing eviction across the state of Maryland can call to connect with counsel;
- a web-based client portal at <https://legalhelpmd.org/> where a tenant can do online intake and be guided to counsel; and
- an electronic referral system among all civil legal aid organizations involved that creates a closed loop for data and reporting, with the ability to track an individual from the time the individual enters the system through the termination of services.

Tenants seeking legal representation can access the system either through the online intake form or by calling UCWM's 211 Helpline, which is a free and confidential service helping people access health and human services. It is anticipated that intakes will be predominantly completed by phone, even when commenced online. UCWM staff members who field calls for 211 calls are information experts who have ample experience handling a high volume of calls. They identify 211 callers who may be facing eviction and transfer them to ACE specialists.

UCWM and Civil Justice both enlisted additional staff members to ensure adequate management of the CIS. UCWM hired four ACE specialists in anticipation of the launch in Baltimore City and anticipates it will need to hire another four by the time Coordinated Intake is statewide. Civil Justice added 3 staff members.

As implementation rolls out statewide, it paves the way for broader access to justice and provides a roadmap for how the legal community can leverage legal tech resources to create a fairer system. As articulated by Civil Justice, "the CIS is more than just an innovative approach to legal services, it is transformative in how we connect to legal services in Maryland by making the process not only more efficient but also more humane."⁴⁴

⁴³ MSBA.Org, *Revolutionizing Access to Justice: Maryland's Coordinated Intake System*, Volume 5 Issue 2.

⁴⁴ MSBA.Org, *Revolutionizing Access to Justice: Maryland's Coordinated Intake System*, Volume 5 Issue 2.

Recommendations

- Publicize and share information about CIS broadly in all outreach materials, court and administrative law notices to scale awareness and use.

Public Housing Authorities

During their testimony, the legal services providers emphasized that the cases under ACE that can be the most time-consuming are the subsidy termination cases - and that more tenants are seeking help with them. There are many different types of housing subsidies, but the basic idea behind all of them is that the tenant's portion of the rent is limited to a percent, usually 30%, of their income and the remainder of the rent is paid through a government subsidy. Sometimes, the subsidy is held by the individual and other times, it is held by the apartment building or complex. The voucher is what allows a tenant to receive the government subsidy; thus, if a voucher is terminated, it can not only result in an eviction, but can terminate a tenant's affordable housing permanently, which has even more severe and lasting implications. Many people who receive housing vouchers are on a fixed income and would not be able to afford market rent, no matter how low.

When the tenant lives in federally subsidized housing or has a Housing Choice Voucher ("HCV"), a Failure to Pay Rent case is even more complex because the dispute may be with the PHA or the Rental Assistance Demonstration ("RAD") that administers the voucher, rather than with the landlord. Due to the fact that in subsidized housing cases, a tenant's rent is tied to a percent of their income, any change in income requires the rent to be recalculated by the PHA or RAD. Legal services organizations report that the recertification of income can result in delays or mistakes that cause the tenant to fall behind on rent through no fault of their own. Additionally, voucher terminations require a high level of case investigation and preparation, including securing and reviewing records and other information possessed by the landlord and PHA or RAD.⁴⁵ Further, legal services providers note that oftentimes voucher holder tenants or local subsidy participants are not aware of their eligibility for ACE in the administrative hearings that

⁴⁵ Some other issues that related to voucher termination cases that legal service providers have identified include: the tenant/voucher holder may need an interim recertification of their income because they lost a job or hours were decreased; or the PHA's portion of the rent may be delayed, so that even if the tenant has paid their rental amount, the full market rent hasn't been paid. If a tenant lives in Public Housing or a RAD building - which is privately managed, but HUD regulations still apply - they could also have recertification or other issues with the PHA or RAD management. There can also be poor record keeping by RAD property managers and miscalculations in the tenant ledgers. Further, RAD property managers often refuse to deal with the legal service providers directly. They require the legal service providers to go through the management's attorney in order to access the client's ledger. This creates additional delays that prevent the legal service provider from preparing the case. In order to truly provide effective counsel, the legal service provider must have the opportunity to review the tenant's PHA or RAD file, including the ledger, to determine if there are issues related to the subsidy that need to be resolved prior to the court hearing the FTTPR case.

often happen within the PHA or in hearings related to other subsidies, like homeless services or continuum of care.⁴⁶ They also indicate that legal issues that fall outside the scope of ACE, if they were covered by ACE, could be powerful in preventing housing insecurity.⁴⁷

In learning about the complex and time-consuming nature of these voucher termination cases, it became clear to the Task Force that, while the ACE law clearly covers “terminations ... of housing subsidies,” the PHAs and RADs, which are key parties in those cases, have barely been engaged in the implementation of the ACE law. It is unclear whether the PHAs and RADs are, themselves, aware of their responsibility for implementation under ACE, let alone whether they are informing tenants who receive subsidies of their rights under the ACE law. This must be remedied. Just as the Judiciary and courts play significant roles in making the ACE law a success, PHAs and RADs must be the next frontier of engagement and focus. It is our understanding that there is no centralized system of PHAs⁴⁸ or RADs, and that there are likely at least one per county.

Recommendations

For MLSC

- Engage with PHAs across the state informing them about the ACE law and the applicability of the law to subsidy terminations and the obligations that flow from that.
- Work with PHAs and RADs to include the specified language about the ACE law in every pre-filing or other notice related to the termination of a tenant’s tenancy or housing subsidy.

For the Judiciary and/ or PHAs or RADs

- For cases that involve federally subsidized housing or a Housing Choice Voucher (HCV) or Section 8 Voucher, grant postponement of at minimum two weeks for an ACE attorney to acquire the necessary documentation and prepare the case.
- Provide attorneys or advocates the opportunity to review the tenant’s Public Housing Authority or Rental Assistance Demonstration file, including the ledger, to determine if

⁴⁶ Disability Rights Maryland, Written Submission to the Access to Counsel in Evictions (ACE) Task Force (October 13, 2023).

⁴⁷ Legal service providers have observed widespread issues in cases that fall outside the scope of ACE, but have an intrinsic connection to housing insecurity: income recertification problems in subsidized housing and substandard housing conditions. They encourage coverage at a preventative stage so that tenants can receive legal assistance at a time of critical need, instead of waiting for a proceeding, hearing or court case. Once dispute advances to an ACE-covered stage, tenants are in a time-constrained defensive posture, which cuts into preparation time before a trial, affecting access to effective legal representation.

⁴⁸ See

[https://mih-inc.org/housing-info/maryland-public-housing-authorities/#:~:text=Public%20Housing%20Authorities%20\(PHAs\)%20have,programs%20that%20make%20housing%20affordable](https://mih-inc.org/housing-info/maryland-public-housing-authorities/#:~:text=Public%20Housing%20Authorities%20(PHAs)%20have,programs%20that%20make%20housing%20affordable)

there are issues related to the subsidy that need to be resolved prior to the court hearing the Failure To Pay Rent case.

Judiciary Implementation

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.

The issue of the lack of uniformity in District Courts has been consistently raised as a problem that impedes the meaningful implementation of the ACE law. Uniformity in court rules and procedures is essential to the successful implementation of the Program. The established systems must adapt and change in order for the ACE program to be successful. Identified below are several areas that could be improved through the development of consistent court rules and procedures in eviction cases.

Even though the District Courts in Maryland are under one system and not independent of each other, much variation happens from jurisdiction to jurisdiction, courthouse to courthouse in the same jurisdiction and even courtroom to courtroom in the same courthouse. There are many players in a courthouse as well, some within the control of the Judiciary, but others outside, who nonetheless have an impact on the administration of the ACE law, including judges, clerks and bailiffs. When implementing a statewide law like the ACE law, there is a need for some level of uniformity/ standardization/ and/or consistency to ensure that all tenants can receive meaningful access to counsel as prescribed by the ACE law.

A key issue that was highlighted during the Task Force meetings was a fundamental difference in the view between the Judiciary and the legislature, Task Force and advocacy community about the meaning of the ACE law. The Judiciary interprets the removal of the word “right” from the ACE law as stripping the law of its transformational nature. However, the legislature intentionally retained the word “shall,” noting that tenants “shall have access to counsel,” to connote the mandatory nature of the counsel afforded to tenants facing eviction, which is indeed very different from the status quo and requires a transformational shift in mindset and process.

The issues that the Task Force raises in this Report in relation to court uniformity are not new, but their persistent nature and their impact on tenants’ ability to have meaningful access to counsel, begs repetition and reinforcement and harkens the need to come up with creative solutions to resolve these challenges.

For the Task Force, MLSC and Judiciary

- Create a work group for the Judiciary and members of the Task Force and key stakeholders to meet on a quarterly basis to discuss issues with ACE implementation.

- Establish a monthly meeting with administrative judges to discuss the progress of the implementation of the ACE program.
- Establish a curriculum for Judges to be trained on the ACE law and encourage judges to attend the training.

Signage

For tenants who have never before entered a courthouse, the experience can be nerve wracking and confusing, especially if they are facing something as life-altering as an eviction and are not aware that they have legal help on their side.

The Judiciary has reported that it has created and put up signs in each of its courts to inform tenants of the ACE law. Legal services providers have reported that while these signs are helpful, they are not at eye level and easily accessed. They also report that attempts to improve these signs' placement have been unsuccessful. (See Appendix IV).

Further, some court jurisdictions in Maryland have allowed ACE attorneys to put up signs and tables, while other jurisdictions have prohibited the legal service providers from using tables or signage that would alert tenants to their rights under the ACE law and the presence of the ACE attorneys in court (See Appendix V). Legal services providers should be allowed space to publicize the ACE law and their services in courts across the state.

As we see from the signage that legal services organizations are also using, most of them pre-date ACE and do not specifically reference or speak to the ACE law. This again, points to the utility of investing in a coordinating entity for the public information campaign where the signage and information provided can be uniform and immediately connected to the ACE law as well as the trusted local provider providing services.

In addition to retractable banners and other organizational signs, there is a need for name tags and badges to identify different players on the ground in court, which include landlord representatives, legal services providers, court clerks, bailiffs and others in the hallway of the courtroom. To cut down on the confusion, there is a need to clearly delineate between landlord representatives, legal service providers, and court personnel.

It is especially important that the legal service providers are easily identifiable so tenants can access the legal assistance they require for their case. ACE attorneys should wear name tags or badges that specify their role and organization. Currently, ACE attorneys report that they are sometimes left to shout loudly if anyone would like representation, which is not an adequate means of outreach. It is also important for the courts to support the presence of ACE attorneys so they can be legitimized and trusted.⁴⁹ The delineation between ACE attorneys and landlord

⁴⁹ United Way of Central Maryland and Civil Justice Inc., Written Submission to the Access to Counsel in Evictions (ACE) Task Force (October 2023).

representatives can be done by implementing strategies such as signage or reserving sections of the courtroom for tenant advocates and landlord representatives.

Recommendations

For the Judiciary

- Display court-created signs informing tenants about the ACE law in prominent locations in the court to ensure visibility by tenants and preferably at eye level, with MLSC input
- Allow civil legal aid organizations and community groups to display signs about the ACE law and services they provide.
- Use signage to designate portions of the hallway or other area outside the courtroom for tenant advocates and landlord attorneys.

For MLSC

- As part of a coordinated outreach and public information strategy, bring on a coordinating entity to identify and manage every aspect of outreach and public information, including court signs.
- Work with grantee legal services organizations to develop uniform signs about the ACE Program, informing tenants of the organizations and lawyers that are available to implement the ACE law, with logos of every organization that provides services under ACE.

Courthouse Workspace

Another common concern that has been raised is that the legal service providers do not have space near the courtroom to conduct intakes and confidential client meetings. Legal service providers operating day-of-court programs need access to Wi-Fi and space for equipment in the courthouse. Although some courthouses have created a space for the legal service providers to meet with clients, many legal service providers are working haphazardly with their clients. We understand from the Judiciary that courthouses are extremely limited in space and physically may not have the capacity to meet the needs requested by ACE attorneys.

Recommendations

For the Judiciary

- 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 office-based resources in the courthouses, such as opening conference rooms, providing office supplies such as staples and paperclips, and providing office-adjacent resources, such as printing, copying, and a secure accessible WiFi connection.

Court Navigators

Many court systems nationally have begun to employ court navigators, non-attorney personnel in courts, whose job it is to help people navigate the courts to ensure people attending courts do not fall through the cracks.⁵⁰ The use of court navigators to help the uptake and smooth-running of the ACE Program in courts could be very beneficial to successful ACE implementation. Court navigators could help cut through the confusion, guide tenants to ACE attorneys and help them understand the process. Many states have court navigator programs that have nominal costs associated with them as they are run through unpaid volunteers.

Recommendations

For the Judiciary

- Start a court navigator program for ACE implementation in every courthouse in the state.

Introductory Remarks by Judges

Introductory remarks at the start of a docket that inform tenants of their right to access counsel can be tremendously helpful in connecting tenants to attorneys. MLSC has informed the Task Force that it has provided the Judiciary with a sample script for opening remarks. Chief Judge Morrissey has also informed the Task Force that these opening remarks have been provided to all judges in the District Court.

Nonetheless, legal services providers continue to report a lack of consistency in the use of these introductory remarks, noting that while some judges use the opening remarks, many do not or fail to follow the script or mention the ACE law. For example, legal service providers have observed judges guiding litigants to seek assistance via the Help Center and Alternative Dispute Resolution, rather than under the ACE law. Indeed, legal service providers have by and large, not observed judges explaining the ACE law. At most, some judges may point out the legal service provider in the courtroom, but that announcement may not be timely or helpful, especially if it occurs at the conclusion of the proceeding when the tenant has already received an adverse judgment.

⁵⁰ Zottola, S. A., Morrissey, B., Massey, I., Hope, E.C., & Desmarais, S. L. (2023). *A National Compendium of Court Navigation and Support Services*. Policy Research Associates; Mary E. McClymont, *Nonlawyer Navigators in State Courts: An Emerging Consensus*. The Justice Lab at Georgetown Law Center (June 2019); Mary E. McClymont, *Nonlawyer Navigators in State Courts: Part II – An Update*. The Justice Lab at Georgetown Law Center (October 2023).

Recommendations

For the Judiciary

- Create uniformity in the use of the introductory remarks provided by MLSC to inform tenants of their rights under the ACE law.

Remarks on an On-going Basis

Due to transportation and other issues, we know that arriving on time for a court hearing can be difficult for many low-income persons. Therefore, making announcements on an intermittent basis as the docket proceeds can be helpful in catching people if they arrive after the introductory remarks have already taken place.

Recommendations

For the Judiciary

- Make announcements about the ACE law and the ability of tenants to access an ACE attorney at multiple points during the docket.

Lead Time Prior to a Docket and Limits on Docket Size

Most tenants are still finding out about their right to access counsel for the first time in court. This puts tremendous pressure on the legal services attorneys who are providing day of court services to meet with tenants, complete intake, assess the case, and prepare for the hearing right as the docket is starting. Additionally, there are some dockets where ACE attorneys are stretched beyond their limits and other dockets where the volume is more manageable.

Several courts have worked with legal services providers to build in a “lead time” whereby the docket time is set 30 or more minutes before the judge will begin to hear cases. While this is helpful, sometimes 30 minutes proves to be too short. In other courts where no “lead time” is provided, legal service providers frequently work outside the courtroom with new clients right up to the moment their cases are called, which can make representation challenging as courts vary in “holding” a case. For example, MLA reported that in Baltimore City, MLA attorneys are permitted via a form to notify the bench that a tenant is seeking their assistance outside of the courtroom; whereas, in Washington County, MLA is required to stay inside the courtroom throughout the docket to identify newly taken cases as they are taken up.⁵¹ Given the complexity of these cases, rushing representation undercuts the ability to provide meaningful access to counsel.

⁵¹ *Id.*

Another means of providing adequate time for ACE attorneys and tenants to consult and establish attorney-client relationships is to better regulate the number of eviction cases set on a given docket. When the number of cases is consistent and manageable, ACE providers can allocate resources accordingly. In some jurisdictions, the number of cases set on a given docket is inconsistent. This leads to an inefficient allocation of resources by ACE providers who often do not have enough attorneys or too many for a given docket. Dockets should be capped at a certain number of eviction cases that will allow legal services providers an adequate opportunity to speak with tenants prior to trial.

Recommendations

For the Judiciary

- Provide “lead time” in dockets on a consistent basis across all jurisdictions.
- Restrict and be transparent about the number of cases on each docket for each jurisdiction.
- Limit the number of summary ejectment cases on each docket to a reasonable amount determined in concert with civil legal organizations.

Postponements

There is no uniform rule dictating how postponements should be handled under the ACE law. The district courts vary, judge to judge, in postponements sought under the ACE statute. Given the time constraints and limited resources that legal service providers often encounter, the court needs to develop a reliable procedure in granting postponements so that the legal service providers can have sufficient time to intake and engage a potential client and prepare their case appropriately.

If legal services providers advise the tenant to request a postponement from the court in order to obtain counsel, judges have been observed to deny these requests. The denial may be based on the judge’s assumption that the case does not warrant the assistance of counsel; or that the tenant should have known how to obtain legal representation; or should have made time before trial to learn how. Legal service providers have also observed pro se tenants being denied an ACE postponement because they did not make a preliminary showing of a legal defense, which itself requires assistance of counsel. ACE attorneys have reported that they generally fare better in requesting a postponement than do *pro se* tenants. Nonetheless, legal service providers have reported that even when they have succeeded in postponement request, invoked under the ACE law, judges sometimes will rely on another basis, such as the landlord agent’s lack of records, to grant the postponement or order a postponement “by consent of the parties” rather than by force of the ACE law.

The Court should consistently provide a postponement at the initial case hearing to *pro se* tenants who request such a postponement to obtain legal counsel, as well as attorneys who are willing to take a same-day representation case on the condition that they can obtain a postponement to investigate the matter and prepare a defense. The postponement should be sufficient to prepare for the case, which will normally require at least 2 weeks. Legal service providers have observed the court routinely granting postponement requests from landlords who show up to an initial hearing without key evidence or without key witnesses, such as a rent court agent who wants a property manager to testify. Yet, the court is inconsistent when it comes to providing the same access to a postponement for tenants and their attorneys.

Landlords note that they do not want additional delays in the adjudication of eviction cases, as they may already have been waiting a long time for the cases to come to trial. They assert that the delay in court cases both adds more past due rental debt to a tenants ledger, and the Landlord must cover their portion of rental income when paying for necessary expenses in the building. Further, additional delays from postponements can compound the financial challenges of operating a rental building, especially for smaller Landlords or those operating housing with tight margins, so Landlords want judges to have discretion to determine when a postponement may be necessary.

The Maryland Judiciary has provided the pace at which cases are set in from the time of filing, with most cases being docketed between 1 week to 3 weeks, with the only major outliers being Prince George's and Montgomery Counties, where the cases are docketed 45 days to 2 months after filing (See Appendix VI).

Washington state, the first state in the country to pass a right to counsel in evictions law, recently passed the following court rule⁵² to deal with postponements in cases where a tenant has a right to counsel:

In all unlawful detainer cases where an individual qualifies for an attorney at public expense in accordance with RCW 59.18.640, the following protocols shall be followed:

1. If the tenant appears without an attorney, before taking any action in the case, the court shall:
 - a. Advise the tenant that if they are indigent, they have a statutory right to be represented by an attorney at public expense;
 - b. If applicable, refer the tenant for appointment of counsel pursuant to any local order or established procedure consistent with RCW 59.18.640; and
 - c. Stay the hearing for a reasonable period of time so that counsel may be obtained.

⁵² Wash. Super. Ct. Spec. Proc. R. SPR 98.24W.

In Maryland, MLSC and a consortium of legal services advocates, the Access to Justice Commission and the Task Force have asked for a court rule to address postponements in ACE cases. MLSC has previously recommended the following rule change to the Rules Committee:

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.

The Judiciary has thus far refused to adopt a court rule in relation to postponements.

Recommendations

For the Judiciary

- Reconsider the adoption of uniform court rules and procedures for postponements, either if requested by a pro se litigant or by an ACE attorneys, to ensure that eligible tenants have the opportunity to meaningfully and consistently access counsel as required under the Act.

For the Judiciary or General Assembly

- Create uniformity in postponements of ACE cases through court rule or legislative reform to ensure meaningful access to counsel.

Language Access

Legal service providers have reported additional difficulties for clients with language barriers. The inconsistent availability of interpreters has led to difficulties in facilitating attorney-client-interpreter discussion. For example, CASA housing team maintains a regular presence in Montgomery County District Court during its Same-Day Representation Program. The CASA's multilingual housing team provides free legal representation to 8-20 tenants per week, many of whom are from immigrant communities.⁵³ CASA has reported that language access continues to be a major problem. While CASA has been able to minimize the problem because they have bilingual staff, not all legal service providers do.

Further, court interpreters only cover hearings, but not hallway conversations. Additionally, notice of the ACE Program may be missed by people who speak another language. CASA's Spanish-speaking attorneys try to make oral announcements in court about the ACE law during the small window between 8:50 am and 9:00 am, but not all organizations and jurisdictions have Spanish-speaking attorneys available to do so.

⁵³ CASA, Written Submission to the Access to Counsel in Evictions (ACE) Task Force (October 2023).

CASA has reported that some judges have asked CASA attorneys and paralegals to act as interpreters for limited purposes, such as explaining a dismissal or accepting a judgment. CASA attorneys should not have to act as court interpreters. Additionally, this may lead to confusion as the ACE attorney is acting as an advocate in one case and an interpreter in another case. Additional resources are necessary to ensure that language access needs are met both in the courtroom and in the day-of-court programs.

The Judiciary should ensure there are enough court interpreters available both inside and outside the courtroom to allow the attorneys to discuss cases with clients. This would take the pressure off of certain individuals and groups that are doing double-duty as both service providers and interpreters.

Recommendations

For the Judiciary

- Provide language access services outside of the courtroom, during attorney-client consultations.

Staffing the ACE Program

The implementation of the ACE law cannot be successful if there is not enough staff to live up to the promise of an attorney. There are structural issues at play that affect hiring for ACE attorneys, thus creating a barrier to reach the full potential of the ACE Program. This is a national issue and not one that only affects Maryland. The issue has gained national attention and currently efforts are underway to figure out how to address it.⁵⁴

Legal services providers have heavily invested time and resources to scale up their operations to meet the demand for services related to the ACE law. While they have historically operated under a scarcity and triage model, the ACE law has created a transformational shift within the organizations to gird up to manage the ACE law's promise that all eligible tenants shall have access to counsel. Legal services providers have adjusted their internal processes and expanded resources in order to implement the ACE Program. They have established infrastructure to expand and scale their services, which includes updating their HR systems, their financial systems, and adding to their capacity in the form of competent attorneys, paralegals, and other support staff to meet the demand for services. Different issues are hampering efforts in different sized organizations. 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

⁵⁴See American Bar Association, ABA Profile of the Legal Profession, https://www.americanbar.org/news/reporter_resources/profile-of-profession/; Jack Karp, *Top State Judges To Tackle Public Interest 'Lawyer Deserts'*, Law360, Nov. 27, 2023.

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.

MLA and other legal services organizations report facing challenges with hiring and retention of ACE attorneys. MLA reports that one of the key barriers to recruiting talent is the low salaries of civil legal aid organizations, which are well below the salaries of peer public interest organizations, such as state agencies like the Office of the Public Defender, the Department of Social Services or the Office of the Attorney General. PJC also reports difficulty with recruiting and retaining talent, adding that in addition to salaries, high student loan debt and lack of student loan forgiveness play a role in acquiring talent.

MLA has reported that they currently have 14 open ACE-funded attorney and paralegal positions. These capacity constraints have slowed MLA's transition to a rights-based model of representation. Abiding by the ACE law, MLA wants to be poised to take all ACE-eligible ACE cases; however, capacity constraints prevent that. MLA has determined that between May 2023 to October 2023, they were not able to provide legal representation in 375 ACE cases and had to relegate them to "advice only" because they lacked capacity for legal representation as mandated by the ACE law.⁵⁵

The issue of building a pipeline of attorneys and paralegals for the ACE Program and creating incentives for attorneys to join these positions is a challenging one that requires efforts on multiple fronts. First, civil legal aid attorneys must be valued and compensated at a competitive rate with other sister public interest organizations. For attorneys to serve in rural areas, there may be a need for additional incentives and benefits, such as housing stipends. Law schools also need to be engaged to convene conversations and solutions about developing a pipeline of attorneys for ACE as well as addressing law school cost and debt and building a pipeline of public interest attorneys.

Recommendations

For the General Assembly

- Increase funding allocations to MLSC to account for the need to raise salaries for legal service providers to be more in line with peer organizations to ensure adequate staffing and success of the ACE Program.

For MD Law Schools

⁵⁵ Maryland Legal Aid. Written Submission to the Access to Counsel in Evictions (ACE) Task Force (October 13, 2023).

- Engage with other access to justice stakeholders constructive dialogue to problem solve around how to create and maintain a robust pipeline of ACE attorneys.

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.

The Task Force and MLSC have the responsibility to assess the Program in order to determine:

- whether it is operating effectively and efficiently;
- whether the Program is meeting the needs the General Assembly identified in creating it, which include eliminating race and gender disparities in evictions); and
- whether there are ways to improve the Program. The General Assembly recognized the importance of Program evaluation by allowing ACE funds to be used for that purpose.⁵⁶

The Roadmap Report identified three key areas that required evaluation:

- Outreach;
- Evaluation; and
- Assessment.

Outreach

Previous Task Force reports have highlighted that there must be an evaluation of the ACE Program's Outreach Strategy and that evaluation should seek to determine whether certain types of messages, messengers, tactics and methods of delivery (print, online, etc) produce better results than others. The goal of evaluating outreach should be to determine which outreach messages and strategies are effective in informing eligible tenants of their right to access counsel and ultimately result in tenants receiving services. The outreach evaluation should also help us understand if we are reaching the most vulnerable populations, if the outreach is equitable in its reach, and if we are deploying effective strategies that are ultimately resulting in tenants receiving services.

While MLSC has contracted with Stout for the evaluation of the Program, it appears that an outreach evaluation is not part of the scope of work for Stout. This should be remedied.

⁵⁶ See

https://www.marylandattorneygeneral.gov/A2C_Docs/Ltr_to_Rules_Committee_re_ACE_7__2022.pdf.

Additionally, also as mentioned in the Outreach section above, there does not seem to be a way to track the impact of the outreach in connecting people to services, beyond collecting the number of outreach is done. We should consider employing tracking technology, like Urchin Tracking Modules or Monitors (UTMs), or other ways employed in advertising or marketing industries to understand the effectiveness of outreach to connect people to services.

Recommendations

For MLSC

- Ensure that an outreach evaluation is integrated into the larger program evaluation.
- Close the loop on understanding what outreach efforts connect tenants to services, to the extent feasible.

Evaluation

MLSC has contracted with Stout to conduct a comprehensive evaluation of the Program. Stout has developed expertise in analyzing data from and evaluating the impact of eviction-related programs. Stout has provided eviction-related consulting services or assistance in nearly 40 jurisdictions.⁵⁷ Stout's approach to evaluation includes an iterative evaluation methodology that begins as the right to counsel program is being implemented. Stout collaborates with legal service providers in order to expand and refine the data collection that will be used to determine the impact of the program and allow for an enhanced understanding of the clients needs based on their circumstances. In addition to considering supplemental data elements from local stakeholders, such as the Judiciary and 211. Additionally, Stout collaborates with legal aid organizations to assess the program cost estimates and reasonable case load estimates in order to assist with creating detailed program budgets for attorneys.

As implementation is underway, Stout has met with MLSC and grantees to develop a list of data elements for evaluation and began receiving monthly data exports from grantees. They have decided upon 20 data elements for same day representation and 56 data elements for pre-trial representation.⁵⁸

The data exports will be used to build data visualizations that will be refined during the ongoing iterative process. On July 1, 2023, Stout began collecting expanded data elements from various stakeholders, including grantees, the Judiciary, coordinated intake, DHCD, Department of Human Services, and Maryland Court Help Centers, as well as publicly available data sets. Stout is also collecting information on race, ethnicity, gender and other elements to enable stakeholders to assess information on equity.

⁵⁷ Stout Risius Ross, LLC, Preliminary Observations from Stout's Evaluation of Maryland is Access to Counsel in Evictions Program (October 17, 2023).

⁵⁸ *Id.*

Recommendations

For MLSC

- Ensure that the program evaluation includes an equity analysis.

Assessment

The work with Stout also includes a Program assessment for the demand for services so that accurate budget projections can be made. The Task Force has discussed in past reports how the Program should be evaluated to determine if it has sufficient staffing and resources to meet the need, including supervision and support staff. This should be done by tracking the hours and caseloads of the attorneys, paraprofessionals, as well as support staff after consultation with ACE services providers. In addition to tracking how many tenants were unable to obtain legal representation due to capacity constraints.

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.

During the 2022 legislative session, following a recommendation from the Task Force and advocacy by the access to justice community, the Maryland General Assembly passed HB824,⁵⁹ the Eviction Data law. The law requires the Maryland Judiciary to collect and share eviction-related data with the Maryland Department of Housing and Community Development (DHCD) and DHCD to visualize⁶⁰ and analyze that data. The District Court began collecting the eviction case data required under the law on January 1, 2023, when the law went into effect, and the public dashboard was launched in May 2023.⁶¹

In accordance with the law, the Judiciary is required to provide DHCD monthly data on all issued and executed Warrants of Restitution (Warrants) and Writs of Possession (Writs) in eviction-related cases, as well as data on evictions. This data needs to be broken down by case-type and at a zip code level.⁶² DHCD is required to publish the data monthly on a publicly accessible dashboard, make the data sets available to certain agencies/institutions for analysis, and publish and deliver an annual report on evictions to the Governor and General Assembly.

⁵⁹ See <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/hb0824?ys=2022RS>.

⁶⁰<https://app.powerbigov.us/view?r=eyJrIjoieWV1Yzg0YjYtNDZkZS00MDUyLThlMDctYmE1ZjY5MGI0MWJhIiwidCI6IjdkM2I4ZDAwLWY5YmUtNDZlNy05NDYwLTRlZjJkOGY3MzE0OSJ9&pageName=ReportSection>

⁶¹ Maryland Department of Housing and Community Development. Written Submission to the Access to Counsel in Evictions (ACE) Task Force (October 2023).

⁶² See Md. Code Ann., Real Prop. §14-133.

The Eviction Data statute does not include data on eviction filings. Stakeholders have identified this data as helpful to understand what is happening with evictions in Maryland. It might also give the Task Force more insight on the potential impact of the ACE program on evictions over time. Other data elements which may be helpful include: data points on the 10-day pre-filing notice and total eviction filings. To address some of these issues, DHCD is coordinating with the Access to Justice Commission to incorporate dashboard features that will offer deeper analysis, like interactive mapping, reporting of trends and allowing county comparisons of existing court data and other eviction-related data that may be publicly available.

During their testimony, DHCD raised some issues and suggestions related to the Dashboard. One of their main issues revolved around the quality of data provided to them by the Judiciary. They encouraged improvements in data quality as the process to “clean” the data was time-consuming. DHCD reports it must “scrub” the data the Judiciary sends, which means it must verify the accuracy of the data and modify or remove incomplete, incorrect, or inaccurately formatted data. DHCD has identified this as a hardship because it is not the originator of the data, so it is difficult to improve the data’s consistency, accuracy, and reliability.

The roots of the issues with data quality stem from two different problems:

1. **Judiciary Data:** The data related to evictions that is collected and controlled by the Judiciary is still mainly in paper form and being inputted into digital systems manually, which results in error and delay. The Judiciary has the data on all issued Warrants and Writs. Most jurisdictions in Maryland still only have a paper filing system for the most voluminous eviction case - the Failure to Pay Rent. The Judiciary has piloted an e-filing system in Baltimore County and is looking to scale it across Maryland. As of now, however, most eviction filings are paper-based, which hampers data collection and reporting.
2. **Data from Sheriffs’ and Constable Offices:** Other data related to evictions is collected, compiled and tracked by the Sheriffs’ and Constable offices and reported back to the Judiciary. Sheriffs and Constables are responsible for carrying out evictions. Once a Warrant or Writ has been issued for an eviction, the Judiciary sends those to the approximately 24 independent Sheriffs’ and Constable offices across the state. Each Sheriffs’ office uses a different process, different technology and collects and tracks different data points related to evictions. Some processes are manual, others use some type of software to manage the data. There are no set standards, formats, guidance for Sheriffs’ offices to collect eviction data. Each Sheriffs’ office then reports back to the Judiciary on the number of Warrants or Writs that were “executed” and the number of evictions that took place.⁶³

⁶³ Not all Warrants or Writs that are issued end up being executed or result in eviction because a tenant may pay off the amount of judgment prior to the eviction, they may succeed in getting a medical accommodation, etc.

Recommendations

For the Judiciary

- Improve data quality of the data provided to DHCD for the Eviction Dashboard.
- Convert FTPR filings to digital to improve data collection and reporting.

For the Sheriffs' Offices and/or the Sheriff's Association and/ or the General Assembly

- Develop set standards for the Sheriffs' Offices to collect and report data in a uniform format.

For DHCD

- Continue to maintain a real-time Eviction Data Hub that analyzes and visually displays eviction data and explore how to include other publicly available data points and provide more analysis on the data.
- Ensure inclusion of an equity analysis in the Eviction Data Hub in coordination with Stout to ensure that what Stout and DHCD work on are complimentary, but not duplicative.

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 ACE law established the Access to Counsel in Evictions Special Fund (the Fund), which is a special, non-lapsing fund housed in the Office of Attorney General and administered by MLSC.⁶⁴ The purpose of the Fund is to “provide funding to fully implement access to legal representation in evictions and other related proceedings in the State.”⁶⁵ 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. Many factors inform the level of funding that ultimately will be needed on a year over year basis, including filing rates, rates of tenants appearance in cases, staffing numbers and rates, hours per case and cases per staff, the types of cases where representation is required, and more.

Funding is the most urgent and critical need for the success of the Program. Thus far, the General Assembly has provided base-level funding through FY2027. Specifically, the General Assembly and Governor allocated approximately \$11.8 million for FY2023 and the General

⁶⁴ See Md. Code Ann., Real Prop. §8-909(c).

⁶⁵ See Md. Code Ann., Real Prop. §8-909(b).

Assembly allocated \$14 million per year for FY2024 through FY 2027.⁶⁶ Currently, the ACE 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.⁶⁷

Without question, the success and effectiveness of the Program hinges on a continuous and stable source of funding. While the General Assembly has provided \$14M of funding for FY2025, MLSC projects that there will be a need for an additional \$6M to scale up implementation for that year. This expansion includes hiring additional staff and providing more reasonable salaries that would attract and retain talent; expanding outreach efforts; and continuing with the program evaluation. The costs of implementing the Program are affected by inflation and cost of living adjustments as well.

Some states have recognized the importance of eviction prevention legal services by including the right to counsel programs in their state budget. For example, Washington state, the first state to pass a statewide right to counsel law, funds their right-to-counsel program through the state's operating budget.⁶⁸ The Task Force has deemed the inclusion of ACE funding in the state budget as the gold standard. The Task Force also recognizes the need to diversify funding streams and pursue funding opportunities that may be viable, continuous and sustainable and sees the Abandoned Property Fund as another source of funding that can be steady and reliable.

The ACE Program has made tremendous progress in building and scaling in a short time period. The ACE law has enabled the creation of a smart, coordinated and modern delivery system that can be user-friendly, effective and serve as a model for other jurisdictions. However, we are yet to have realized the full effectiveness of the Program, unless there is permanent and on-going investment to reach full implementation.

Recommendations

For the Governor and/ or General Assembly

- Provide \$6 million dollars in additional funding for the ACE Fund for FY2025 in order to achieve expansion and full implementation of the ACE Program by 2025.

⁶⁶ See Md. Code Ann., Real Prop. §8-909(h).

⁶⁷ 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).

⁶⁸ Right to Counsel for Indigent Tenants: Implementation Plan (July 15, 2021) (Washington State Implementation Plan).

- Reevaluate and readjust funding amounts each year anticipating necessary increases to expand and fund complete implementation.
- Include funding for the Access to Counsel in Evictions Program in the state's budget or making the funding allocation from the Abandoned Property Fund indefinite and variable based on demonstrated annual need.

Appendix I

SUMMARY OF TASK FORCE RECOMMENDATIONS

OVERARCHING ISSUES

For MLSC

- Carry through with Tenant Focus Groups or other means of collecting tenant feedback to ensure the system developed by the ACE Program is user-friendly, effective and equitable.
- Ensure incorporation of race equity and other equity analysis into program evaluations and/ or seek out academic and/or other experts to do so.

For the Task Force

- Ensure requisite tenant voices on the Task Force.

OUTREACH AND EDUCATION

Communications & Outreach Strategy

For MLSC

- Add a centralized coordinating entity to develop a centralized outreach strategy and implement a public information campaign.
- Ensure inclusion of an outreach evaluation as part of the scope of work of the program evaluation.
- Use program data, analysis and visualizations to target outreach.
- Close the loop between outreach efforts and service provision to the extent feasible.

Lease

For Landlords

- Inform tenants of their right to access counsel at every stage of their tenancy, starting with the lease, but also through signage in the rental office, in rental buildings, in meetings with tenants and more.

Court and Administrative Notices

For the Judiciary and PHAs

- Include language about the ACE law in every notice sent by the Judiciary, PHA or by all private operators of subsidized housing in relation to a court case or administrative hearing related to the termination of a tenancy or housing subsidy.
- Include this language on the notices: “All income-qualified tenants shall have access to an attorney in their eviction or subsidy termination case under the new Access to Counsel in Evictions law. Call 211 or legalthelpmd.org to see if you qualify and get connected to a lawyer.”

Failure to Pay Rent 10-Day Pre-Filing Notice

For the Judiciary and PHA

- Revise the 10-day pre-filing notice to say “All income-qualified tenants shall have access to an attorney in their eviction case under the new Access to Counsel in Evictions law. Call 211 or legalthelpmd.org to see if you qualify and get connected to a lawyer.”
- Uniformly enforce the use of form DC-CV-115 as the 10-day pre-filing notice form and reject all other landlord-created forms. Dismiss cases if any form other than the DC-CV-115 is used.
- Add specified language about the ACE law on any other existing pre-filing notice associated with a termination of tenancy or housing subsidy.

For the Judiciary and Executive Agencies

- Partner to 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.

For the Judiciary or General Assembly

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

For civil legal aid organizations

- Determine the other court cases and administrative hearings related to tenancy or housing subsidy termination that would benefit from pre-filing notices.

Court Summonses and Complaints

For the Judiciary

- Revise all summons and complaint forms for Failure to Pay Rent, Tenant Holding Over and Breach of Lease to inform tenants of the ACE law, using this language: “All income-qualified tenants shall have access to an attorney in their eviction case under the new Access to Counsel in Evictions law. Call 211 or legalhelpmd.org to see if you qualify and get connected to a lawyer.”

For the Sheriffs’ and Constable Offices and the Sheriff’s Association

- Engage Sheriff's Offices in the state to include an ACE Program brochure at time of serving the summons as required by the ACE law.

PROGRAM DESIGN AND IMPLEMENTATION

Coordinated Intake System

- Publicize and share information about CIS broadly in all outreach materials, court and administrative law notices to scale awareness and use.

Public Housing Authorities

For MLSC

- Engage with PHAs across the state informing them about the ACE law and the applicability of the law to subsidy terminations and the obligations that flow from that.
- Work with PHAs and RADs to include the specified language about the ACE law in every pre-filing or other notice related to the termination of a tenant’s tenancy or housing subsidy.

For the Judiciary and/ or PHAs or RADs

- For cases that involve federally subsidized housing or a Housing Choice Voucher (HCV) or Section 8 Voucher, grant postponement of at minimum two weeks for an ACE attorney to acquire the necessary documentation and prepare the case.
- Provide attorneys or advocates the opportunity to review the tenant’s Public Housing Authority or Rental Assistance Demonstration file, including the ledger, to determine if there are issues related to the subsidy that need to be resolved prior to the court hearing the Failure To Pay Rent case.

Judiciary Implementation

For the Task Force, MLSC and Judiciary

- Create a work group for the Judiciary and members of the Task Force and key stakeholders to meet on a quarterly basis to discuss issues with ACE implementation.
- Establish a monthly meeting with administrative judges to discuss the progress of the implementation of the ACE program.
- Establish a curriculum for Judges to be trained on the ACE law and encourage judges to attend the training.

Signage

For the Judiciary

- Display court-created signs informing tenants about the ACE law in prominent locations in the court to ensure visibility by tenants and preferably at eye level, with MLSC input.
- Allow civil legal aid organizations and community groups to display signs about the ACE law and services they provide.
- Use signage to designate portions of the hallway or other area outside the courtroom for tenant advocates and landlord attorneys.

For MLSC

- As part of a coordinated outreach and public information strategy, bring on a coordinating entity to identify and manage every aspect of outreach and public information, including court signs.
- Work with grantee legal services organizations to develop uniform signs about the ACE Program, informing tenants of the organizations and lawyers that are available to implement the ACE law, with logos of every organization that provides services under ACE.

Courthouse Workspace

For the Judiciary

- 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 office-based resources in the courthouses, such as opening conference rooms, providing office supplies such as staples and paperclips, and providing office-adjacent resources, such as printing, copying, and a secure accessible WiFi connection.

Court Navigators

For the Judiciary

- Start a court navigator program for ACE implementation in every courthouse in the state.

Introductory Remarks by Judges

For the Judiciary

- Create uniformity in the use of the introductory remarks provided by MLSC to inform tenants of their rights under the ACE law.

Remarks on an On-going Basis

For the Judiciary

- Make announcements about the ACE law and the ability of tenants to access an ACE attorney at multiple points during the docket.

Lead Time Prior to a Docket and Limits on Docket Size

For the Judiciary

- Provide “lead time” in dockets on a consistent basis across all jurisdictions.
- Restrict and be transparent about the number of cases on each docket for each jurisdiction.
- Limit the number of summary ejectment cases on each docket to a reasonable amount determined in concert with civil legal organizations.

Postponements

For the Judiciary

- Reconsider the adoption of uniform court rules and procedures for postponements, either if requested by a pro se litigant or by an ACE attorneys, to ensure that eligible tenants have the opportunity to meaningfully and consistently access counsel as required under the Act.

For the Judiciary or General Assembly

- Create uniformity in postponements of ACE cases through court rule or legislative reform to ensure meaningful access to counsel.

Language Access

For the Judiciary

- Provide language access services outside of the courtroom, during attorney-client consultations.

Staffing the ACE Program

For the General Assembly

- Increase funding allocations to MLSC to account for the need to raise salaries for legal service providers to be more in line with peer organizations to ensure adequate staffing and success of the ACE Program.

For MD Law Schools

- Engage with other access to justice stakeholders constructive dialogue to problem solve around how to create and maintain a robust pipeline of ACE attorneys.

PROGRAM ASSESSMENT AND EVALUATION

Outreach

For MLSC

- Ensure that an outreach evaluation is integrated into the larger program evaluation.
- Close the loop on understanding what outreach efforts connect tenants to services, to the extent feasible.

Evaluation

For MLSC

- Ensure that the program evaluation includes an equity analysis.

Centralized Eviction Data Hub

For the Judiciary

- Improve data quality of the data provided to DHCD for the Eviction Dashboard.
- Convert FTPR filings to digital to improve data collection and reporting.

For the Sheriffs' Offices and/or the Sheriff's Association and/ or the General Assembly

- Develop set standards for the Sheriffs' Offices to collect and report data in a uniform format.

For DHCD

- Continue to maintain a real-time Eviction Data Hub that analyzes and visually displays eviction data and explore how to include other publicly available data points and provide more analysis on the data.
- Ensure inclusion of an equity analysis in the Eviction Data Hub in coordination with Stout to ensure that what Stout and DHCD work on are complimentary, but not duplicative.

PROGRAM FUNDING

For the Governor and/ or General Assembly

- Provide \$6 million dollars in additional funding for the ACE Fund for FY2025 in order to achieve expansion and full implementation of the ACE Program by 2025.
- Reevaluate and readjust funding amounts each year anticipating necessary increases to expand and fund complete implementation.
- Include funding for the Access to Counsel in Evictions Program in the state's budget or making the funding allocation from the Abandoned Property Fund indefinite and variable based on demonstrated annual need.

Appendix II

NOTICE OF INTENT TO FILE A COMPLAINT FOR SUMMARY EJECTMENT (Failure to Pay Rent)
(Real Property Article § 8-401(c))

FROM: _____
Landlord/Agent

Address _____
City, State, Zip _____ Telephone _____
E-mail Address _____

TO: _____
Tenant (1) _____ Tenant (2) _____
Tenant (3) _____ Tenant (4) _____
Address _____
City, State, Zip _____ Telephone _____
E-mail Address(es) _____

THIS IS NOT A NOTICE OF EVICTION

An action for repossession of the property may be initiated if the total amount listed below is not paid within 10 days after the landlord provides this notice. You have a legal right to dispute the charges.

The past-due rent and late fee amounts claimed by the landlord to be due are:
\$ _____ rent for the ☐ months ☐ weeks _____ to _____
\$ _____ *late fees for the ☐ months ☐ weeks _____ to _____
*Due pursuant to the terms of your lease.
\$ _____ *TOTAL

*Does not include other charges related to utilities, services, other fees, fines, and court costs.
At your request, the landlord must promptly provide you an itemized accounting of debits and credits (rental ledger) showing how the landlord came up with the amount they claim you owe.

LANDLORD/AGENT CONTACT INFORMATION
(if different from above)

Phone Number: _____ E-mail: _____
Address: _____

DATE AND METHOD OF PROVIDING NOTICE

This notice is being provided to the tenant by the landlord on _____ by: _____
Date

☐ First-class mail – mail service certificate of mailing ☐ Affixed to the door of the leased property
☐ Delivered electronically by: ☐ E-mail message ☐ Text message ☐ Electronic tenant portal

Date Signature of Landlord/Attorney/Agent Attorney Number _____

RESOURCES FOR TENANTS AND LANDLORDS

- Tenants may qualify for a free lawyer through the Access to Counsel in Evictions program. Call 211 for a referral or visit legalhelpmd.org for more information.
- Alternative Dispute Resolution (ADR) Office mdcourts.gov/district/adr/home
 - **Mediation** is a conversation between the landlord and the tenant that is facilitated by a mediator. Topics discussed in mediation may include: the amount of rent that is due and how and when it might be paid; a move out date and conditions of moving out; modifying, extending or terminating the lease; and/or, other topics important to the landlord and to the tenant. Mediation is available **before and after a failure to pay rent case is filed** in the District Court of Maryland. **To request mediation, visit mdcourts.gov/district/adr/landlordtenant.**
- **Rental assistance may be available to both Landlords and Tenants.** Visit mdcourts.gov/legalhelp/housing.
- **Speak with a lawyer for free at a Maryland Court Help Center.** Get legal advice, help with forms, and referrals to rental assistance programs. Visit mdcourts.gov/helpcenter or call 410-260-1392.



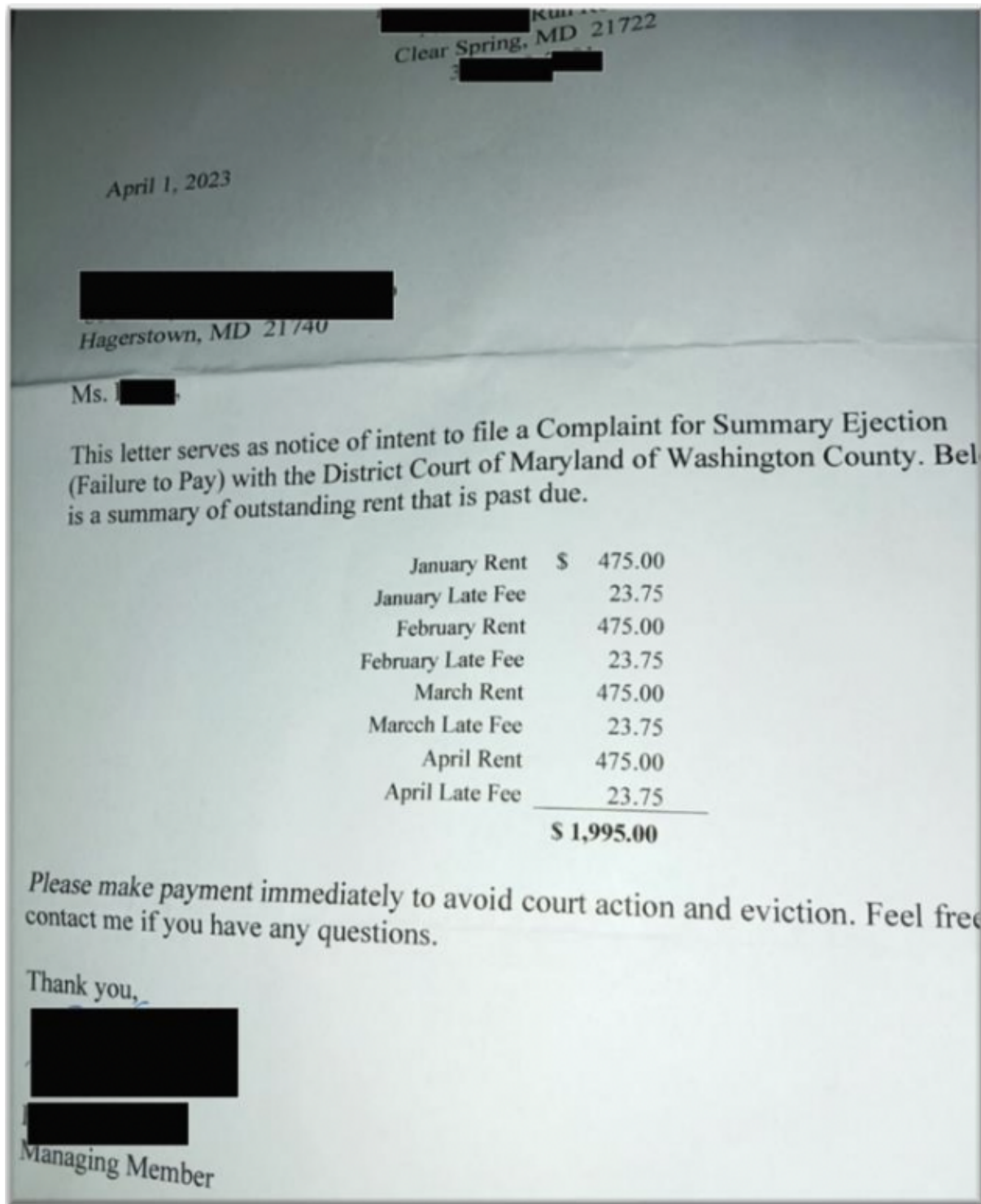
Maryland Court Help
Free. Online. In Person. By Phone.



DC-CV-115 (Rev. 07/01/2023)

Reset

Appendix III

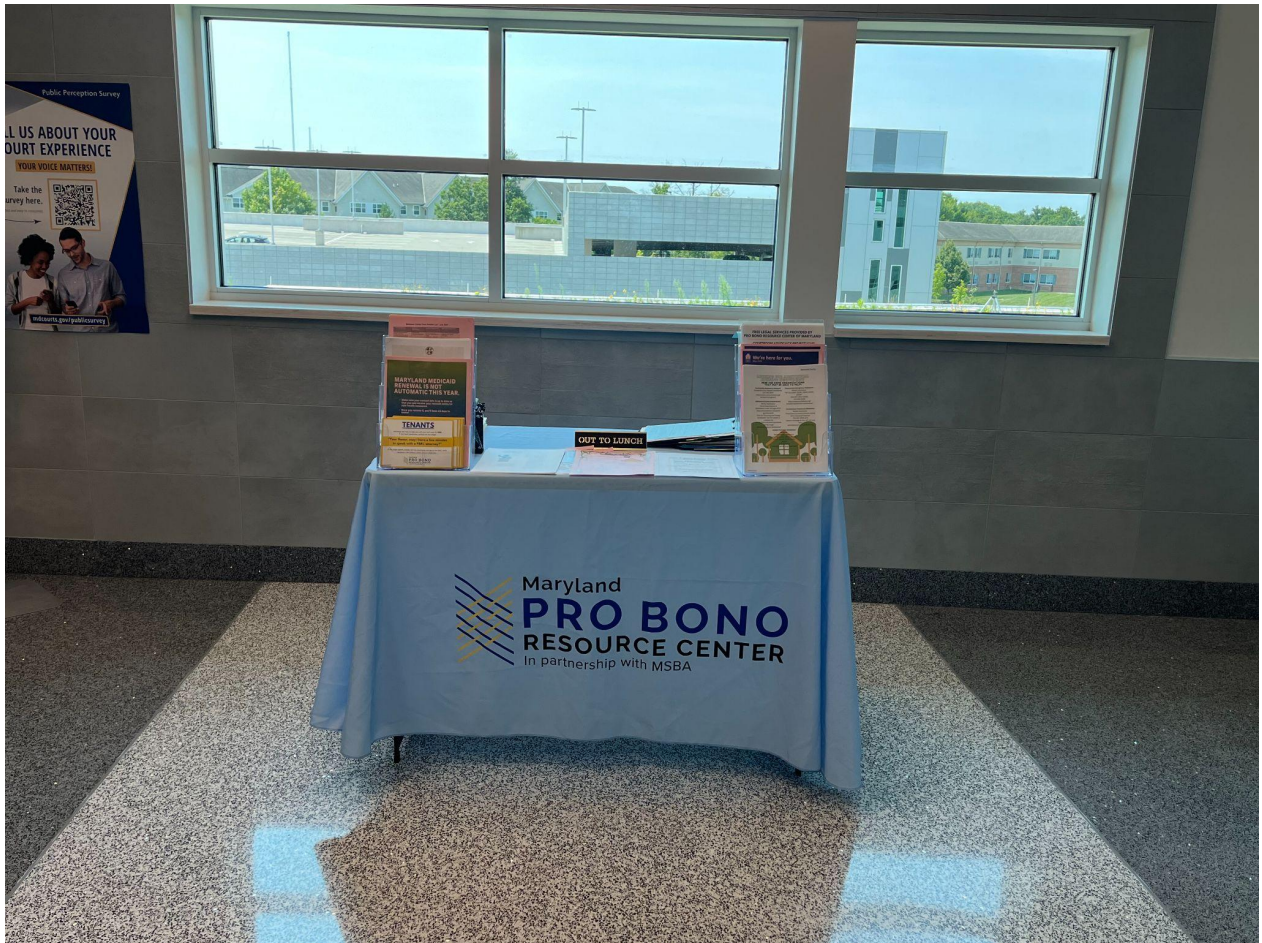


Appendix IV





Appendix V - 2





Appendix VI

LOCATION	DATE FOR NEW CASES As of 11/16	LOCATION	DATE FOR NEW CASES As of 11/16
Allegany	2 weeks	Garrett	2 weeks
Anne Arundel: Annapolis	7-10 days	Harford	2 weeks
Anne Arundel: Glen Burnie	7- 10 days	Howard	2 weeks
Baltimore City: Fayette	3 weeks	Kent	1-2 weeks
Baltimore County: Catonsville	2 weeks	Montgomery: Rockville	45 days to 2 months
Baltimore County: Essex	3 weeks	Prince George's: Hyattsville	2 months
Baltimore County: Towson	2 weeks	Queen Anne's	2 weeks
Calvert	2 weeks	Somerset	3 weeks
Caroline	2 weeks	St. Mary's	2 weeks
Carroll	2 weeks	Talbot	2 weeks
Cecil	2 weeks	Washington	2 weeks
Charles	2 weeks	Worcester: Ocean City	2 weeks
Dorchester	2 weeks	Worcester: Snow Hill	2 weeks
Frederick	2 weeks		