

Legislative Roundup: Changes in Maryland Law This Year

Presenters:

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Moderated by Aja' Mallory, Esq. Consumer Staff Attorney, MVLS

MARYLAND VOLUNTEER LAWYERS SERVICE



Estate Planning & Administration

Housing & Tax Sale

Criminal Record Expungements

Landlord Tenant

Medical Debt & Bills

Earned Income Tax Credit

Topics for Today



HB 1266: Custodianship

A person having custody of a will (non-testator) has a duty to maintain custody of the will.

Without authorization by the testator, the custodian may not:

- Destroy or dispose of the will;
- Disclose the contents of the will to any other person; or
- Deliver the will to anyone other than the testator.

The custodian, testator or testator's agent may deposit the will for safekeeping to the register of the county in which the testator resides or resided when the will was executed

MD ESTATES and TRUSTS §§ 4-201, 4-204, and 4-205

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After the testator's death, a custodian in possession of the will shall deliver it to the county's register for administration.

Attorneys who have custody of a will may dispose of the will in certain circumstances, including:

- If they are licensed to practice within the state at issue;
- At least 25 years have passed since the will's execution date;
- The attorney cannot ascertain the address of the testator after reasonable inquiry; AND
- The will is not subject to any contracts concerning specific devises or revocations.

The attorney must still file the will with the register of the county where the will was executed and submit an affidavit certifying the above conditions were met.

The attorney may also destroy the will without notice if the will has not been offered for probate within 10 years of the testator's death.

MD ESTATES and TRUSTS §§ 4-201, 4-204, and 4-205

HB 1266: Custodianship (cont'd)

HB 1261: Wills, Powers of Attorney, and Advance Directives — Electronic Execution

Wills or Powers of Attorney can be electronically executed or remotely witnessed.

To be effective, the following must be satisfied:

- At time of signing,
 - the testator and witnesses must be in either the physical or electronic presence of one another and a supervising attorney (who may also be a witness).
 - the testator must be a resident of or physically located in the state that will hold jurisdiction over the will or power of attorney.
 - Any witness present electronically must be physically located in the United States and must be a resident of the United States.
- The testator and witnesses must each sign the same instrument or any counterpart thereof.

HB 1261 – Electronic Execution (cont'd)

The supervising attorney must create a certified will or power of attorney which includes:

- A paper version of all pages of the instrument; and
- A signed original paper certification by the supervising attorney stating the date that the supervising attorney observed the testator and witnesses sign the will and that the supervising attorney took reasonable steps to verify:
 - that the certified will includes a true, complete, and accurate paper version of all pages of the will; and
 - that the signatures are original signatures; and
 - the identities of each witness and testator; and
 - all parties involved were physically present in the United States at the time of signing and attestation.

MD ESTATES and TRUSTS §§ 1-101, 4-101, 4-102, 4-104, 17-101, and 17-110 ; MD HEALTH – General §§ 5-601 and 5-60

Tax Sale

HB852 – Homeowner’s Protection Program. Effective July 1, 2022.

Creates a right for homeowners to enter into payment plans

Creates a fund for a state office that will assist homeowners in avoiding tax sale

SB325 - Nondelinquent Taxes. The effective date is June 1, 2021.

The property owner will be required to pay only delinquent bills in order to redeem.

HB610 - Homeowners' and Homestead Property Tax Credits - Eligibility and Access.
Effective date is June 1, 2021.

A surviving heir will be allowed to keep the HTC while going through the probate process.



Changes to Publication Requirement in Name Change Cases

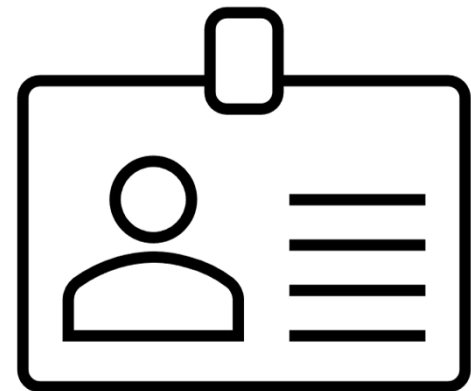
HB0039/SB0581 passed.

Courts are required to waive the publication in name change cases, upon filing of a motion by the individual who original filed the case.

Effective October 1st.

MVLS requests volunteers to advise clients of this option and assist in filing a motion seeking waiver of the publication fee.

[MVLS has created a sample motion as a resource for you.](#)



Changes to Criminal Record Expungement

New eligible convictions

Driving on suspended license -> Non-incarcerable

Changes to Case Search

Automatic expungement

New Eligible Convictions

4th degree burglary

- Previously only 1st, 2nd, 3rd
- Common low-level offense will free up many cases for expungement

Driving on a canceled, suspended, or revoked license

- Any violation of Transportation Article 16-303
- Common subsequent conviction blocking many expungements
- Does not include driving without a license

Driving on Suspended License = Fine only

- Previously one of the most common convictions blocking expungement
- Transportation Article 16-303(k)(2)
- Suspension for:
 - Child support
 - Failure to attend alcohol course
 - Insurance lapse
 - FTA on traffic charge state or federal
 - Non-payment of fines
 - FTA or non-payment of out-of-state traffic citations
- Not decriminalized, just fine-only offense
- Will no longer count toward the unit rule
- Good faith argument that a guilty does not count as a subsequent conviction

Changes to Case Search

- As of summer 2021, Maryland Judiciary Case Search no longer displays criminal charges that resulted in
 - *Nolle prosequi*
 - Acquittal
 - Dismissal
- These cases are not automatically expunged, just hidden from the site
- A case where all charges received one of these dispositions will not appear on Case Search
- These cases will still appear on certain background checks, fingerprint reports, and MDEC, until they are expunged

Guilty, stet, pbj can still be found on Case Search

In e-filing counties, can still find cases on MDEC Smart Search

Cases still appear on fingerprint checks

Still matter of public record and can be accessed through records request

Automatic Expungement

Case where all charges resulted in *nolle prosequi*, acquittal, and dismissal

- Three years after disposition

For case occurring on or after October 1st, 2021

- Won't see the effects until October 2024

Defendant can file for expungement at any time

Expungement will still be a necessary practice area

- Thousands of eligible cases are unaffected

Landlord Tenant

HB18/SB154 - Residential Tenants – Access to Counsel

Expands the right for tenants to have an attorney in non-payment of rent eviction cases and increases notice requirements.

Effective October 1, 2021.

SB401/HB104 - Landlord-Tenant - Nonrenewal of Lease - Notice Requirements

Alters the time period before the end of a tenancy that a landlord is required to provide written notice to a tenant of the landlord's intent to terminate the tenancy upon its expiration and applies the notice provisions Statewide.

Effective October 1, 2021.

Debt Collection & Bills

HB565/SB514 - Medical Debt Protection

Prevents hospitals from collecting bills when they haven't evaluated the person for financial assistance and prohibits wage garnishment and home liens.

Effective date is January 1, 2022.

HB842/SB856 - Electric Companies – Billing Information

Requires electric companies to provide for consumers, upon request, historic usage and billing information for at least the last 12 months.

Effective date is October 1, 2021.

Tax & EITC

Maryland boosted its EITC twice this year. First, the RELIEF Act [expanded the credit](#) for the next three years to 45 percent of the federal credit for families with children in the home and 100 percent of the federal credit for those without children (capped at \$530). Maryland also made its credit [inclusive of immigrants](#) by enabling ITIN holders to receive it. These changes will boost the credit for 400,000 Marylanders and make an estimated 40,000 more families [newly eligible](#).



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MARYLAND VOLUNTEER LAWYERS SERVICE

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A large graphic featuring the letters 'MVLS' in a bold, sans-serif font. The 'V' is a dark brown color, while the other letters are dark grey. The graphic is set against a light grey background. In the center, there is a text overlay: 'We refreshed our logo, but you'll find the same great staff and volunteers committed to delivering on our mission'. Below this text is a blue button with the text 'Read More'. At the bottom of the graphic, the full name 'MARYLAND VOLUNTEER LAWYERS SERVICE' is written in a teal, sans-serif font. There are also small grey arrows on the left and right sides of the graphic, suggesting it is a scrollable banner.

We refreshed our logo, but you'll find the same great staff and volunteers committed to delivering on our mission

[Read More](#)

MARYLAND VOLUNTEER LAWYERS SERVICE

Our mission is to connect Marylanders facing financial hardships with volunteer lawyers, tax professionals, and community partners to deliver free civil legal assistance because there should be justice for all, not just for those who can afford it.

PRO BONO

WELCOME TO THE MVLS PRO BONO PORTAL!

Select a case today by reviewing available cases shown below in real time. You can click "Learn More" to express your interest in the case, or click "Share Case" to forward the available case to a colleague.

If you are not currently a MVLS volunteer, please [click here](#) to register.
By taking a case today, you are helping MVLS to ensure Justice For All.

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Search ... All Counties

Single Mom Can't Afford A Large Payment

Client is being sued by her former landlord for \$4146.59. She admits she owes some but not all of the debt and is hoping to reduce the amount she has to pay. Court date set for 7/20/18 at 1:30pm.

Location:	Ref. #:	Case Type:
Baltimore County	18-0138741	Debt Collection

[Share Case](#) [Learn More](#)

I Admit To The Debt, But Can We Negotiate A Settlement.

Client is being sued for \$933.00 for failing to make payments towards a debt. Client agrees that she owes the debt. There are no judgments entered in the case. Client has paid approximately \$300 toward the debt and would like to work out a settlement for the remaining. Affidavit Judgment Hearing: 7/23/18 at 1:00PM. Trial: 8/3/18 at 9:00AM.

Location:	Ref. #:	Case Type:
Washington	18-0138685	Debt Collection

[Share Case](#) [Learn More](#)

You Have Left Me No Other Choice But To File For Rent Escrow.

Client wishes to initiate a rent escrow case after nothing has been done to make repairs. Client has lived in the property since October 2016 and problems in the unit began in December 2017. To date LL, has not tried to resolve the mold issue, flooding, falling attic stairs, and the hole in the ceiling.

Location:	Ref. #:	Case Type:
Baltimore County	18-0138671	Landlord-Tenant

[Share Case](#) [Learn More](#)

Landlord Requests The Move, Now Refusing My Security Deposit.

Client filed suit against her previous Landlord for the return of her security deposit and three times the amount. Client only lived in the property for 3

Looking Towards A Fresh Start

Client seeks help with expunging her criminal record.

Here's To New Beginnings!

Client seeks to go over her criminal record with a volunteer and to have the eligible cases removed from her record.



Upcoming Trainings

Upcoming Trainings:

□ **MVLS Upcoming Free Trainings:**

- - November 4 – Tax Controversy Training. [Register.](#)
- - November 11 – CDP and CAP: The Differences and When to Use Them. [Register.](#)
- - December 16 – Liens & Levies: What IRS and Maryland Comptroller Can and Cannot Do. [Register.](#)

□ **Third Thursday Webinars:**

- - October 21 – Legislative Updates. [Register.](#)
- - November 18 – Supporting Client Agency and Equity: Incorporating Client Empowerment Models into your Legal Practice. [Register.](#)
- - December 16 – Telling Our Client’s Stories. [Register.](#)

□ **Tax Twos-day Webinars:**

- - November 9 – Earned Income Tax Credit (EITC). [Register.](#)
- - November 16 – IRS Informational Return Penalties (rescheduled from Oct 12) [Register.](#)

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Recordings of past trainings are available in the following categories:

- -Consumer
- -Estate Planning & Estate Administration
- -Expungement
- -Family Law
- -Housing
- -Human Trafficking Prevention
- -Tax
- -Miscellaneous (business and soft skills)

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