

# MVLS Legislative Roundup

- Margaret Henn, Deputy Director
- Heather Heiman, Human Trafficking Prevention Project
- Chris Sweeney, Workforce Development Project
- Steven Kappen, Tangled Title Program
- John Hardt, Low Income Tax Clinic

# MVLS Legal Areas

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- Family Law
- Housing
- Consumer
- Criminal Record Relief
- Tax
- Estate Planning and Administration

# Criminal Record Relief

- Automatic expungement
  - Did not pass. Would expand eligibility retroactively
- Unit rule
  - Did not pass
- Good cause
  - Did not pass
- *Abhishek* fix (VOP)
  - Did not pass
- DWI – Probation Before Judgment
  - Passed
  - A PBJ for DWI can be expunged 15 years after discharge from probation
  - Applies only to alcohol DWI/DUI, no other substances
  - Ineligible if petitioner has 2 or more previous DWI convictions
  - Subsequent conviction rule applies for 15 years, and another PBJ for DWI within 15 years will also block

# Human Trafficking Prevention

- MVLS partners with the Human Trafficking Prevention Project to advocate for legislation that will impact survivors of human trafficking, people who trade sex, and those populations put at highest risk of Future exploitation
- **HB 73/SB 454 - The Abhishek Fix** - critical for our HTPP client population:
  - HTPP clients often struggling with complex trauma, poverty, substance use, and housing instability, and may have had repeat interactions with the criminal legal system during and after their exploitation
  - Failed drug test, missed meeting with probation officer, etc. can lead to inability to expunge records otherwise eligible.
    - **Did not pass**

# Human Trafficking Prevention

- **HB 706** - Drug Paraphernalia for Administration – Decriminalization
- **HB 1096/SB 427** - Public Health - Overdose and Infectious Disease Prevention Services Program
- **HB 485/SB 1165** - Public Health - Prohibition on Transfer of Human Immunodeficiency Virus – Repeal
  - **Above bills DID NOT pass**
  
- **HB508/SB550** Children – Labor Trafficking\*\*\*
- **HB 691/SB 119** Legally Protected Health Care - Gender-Affirming Treatment
- **HB 575/SB 471** - Criminal Procedure - Victim Compensation - Alterations (Victim Compensation Reform Act of 2024)
  - **Above bills DID pass**

# Tax

- (HB 451/SB 676) - **Tax Assistance for Low-Income Marylanders – Funding**
- **Passed**
- Permanently increases state funding to all LITCs in Maryland, including ours at MVLS
- Permanently increased funding to the Maryland CASH Campaign; both for normal operations and for funding statewide tax preparation clinics.
- (HB 452/SB 675) - **Stop Scam Preparers Act**
- **Passed**
- Requires the State Board of Individual Tax Preparers to publish a code of professional ethics by 2026.
- Requires the SBITP to notify the Comptroller when it has found a violation of that code, and vice versa.
- Gives the Comptroller's office slightly larger role in enforcing against Tax Preparer Fraud.

# Tax

- (HB 455/SB 677) - **Electronic Tax and Fee Return Filing Requirements**

- **Passed**

- Beginning in 2027, requires businesses with over 15 employees to file most returns electronically.
- Beginning in 2030, requires all tax returns to be filed electronically.
- Prohibits tax return preparers from filing separate electronic filing fees once these requirements are in place.

Exceptions are included for those:

- With any disability recognized by the ADA,
- With any religious beliefs that prohibit the use of electronic filing means,
- With a demonstrated special need to file by paper,
- Individuals who are 65 or older, or have income less than \$200,000 (\$400,000 if filing jointly).

# Housing & Consumer

- **Preventing Lease Lock Insurance Policy (HB1108/SB1167)** from being sold in MD: Lease Lock is an insurance product that Landlords can purchase and make tenants pay every month as an alternative to a security deposit. Tenants do not get money back from the insurance payments. Lease lock insurance would create an insurance product for tenants to pay that would protect landlords but provide weaker protections than current security deposit laws.
  - **Did not pass**
- **Earned Wage Access Bill (HB246)** - limits the potential of companies using products that mimic pay day loans. [HB246](#) was the Department of Labor's legislation on Earned Wage Access products. As amended in Senate Finance, the legislation created loopholes that would have allowed payday lenders to enter Maryland to provide high-cost, unsustainable loans to workers living paycheck to paycheck
  - **Did not pass**



# Housing & Consumer

- **Foreclosure Bill** - Regulates zombie second mortgages
  - This bill was pulled early in session. Advocates are discussing a revised version for next year.
- **Property Tax – Tax Sales – Revisions (House Bill 243)** - increases the tax sale threshold statewide to \$1,000 and decreases the interest rate owner occupants have to pay, statewide, to 6%. This bill was amended to include non-owner-occupied properties to go into tax sale for unpaid water bills. MVLS sent each delegate on the Ways and Means Committee an opposition to HB 243 on March 1<sup>st</sup>.
  - **Bill was KILLED** 😊
- **SB 0283: Homeowners' property tax credit - application - attestation of gross income** - Typically one must submit a tax return to apply for the Homeowner's Property Tax Credit. SB0283 allows for applicants to the homeowner's property tax credit who do not have to file a tax return to apply with an attestation of income
  - **This bill was passed**

# Housing & Consumer

- **SB 343: Renters' Property Tax Relief and Homeowners' Property Tax Credit Programs Gross Income and Assessed Value Limitations – Alterations-** MVLS signed on to a coalition letter to support SB 343, which would increase the combined gross income limits used to determine eligibility for tax credits for renters and homeowners in the state of Maryland, as well as raise the assessed property rate for homeowners to be eligible. Both of these credits are extremely valuable to our clients.
  - **This bill did not pass**
- **Consumer Protection and Debt Collection - Exemptions From Attachment and Requirements on Judgment Creditors (HB0661) --** FOR the purpose of altering the amount of wages of a judgment debtor that are exempt from attachment; establishing and altering certain requirements on judgment creditors; making a violation of certain requirements on judgment creditors relating to a judgment arising out of a consumer transaction an unfair, abusive, or deceptive trade practice that is subject to enforcement and penalties under the Maryland Consumer Protection Act; making certain conduct a prohibited debt collection practice; and generally relating to consumer protection and debt collection.
  - **Did not pass**
- **Baltimore Regional Water Governance Model Workgroup (HB1509 )-** Establishing the Baltimore Regional Water Governance Model Workgroup to study the regional water governance approach in the Baltimore region; and requiring the Workgroup to report, on or before June 30, 2027, its findings to the Mayor of Baltimore City, the County Executive of Baltimore County, the Governor, and the General Assembly.
  - **Bill passed**

# Estate Planning/ Administration

## □ "Clean Lien Sheet" Requirement

- The current “clean lien sheet” requirement requires that public taxes and charges be paid prior to the transfer of property.
- This affected many of our clients and stranded them without access to their largest asset-their home.
- The change in the law will allow Marylanders to enter payment plans for the arrears on the property and effectuate a transfer.
- The law will take effect on July 1<sup>st</sup>, but the true timeline for implementation by the state remains unclear.
- See the bill- [Legislation - HB0054 \(maryland.gov\)](#)

## □ Other Estates Issues

- Two bills affected the rights of parties in estate administrations.
- One limited the definition of “interested persons,” by mainly removing parties whose interests may have lapsed. Effective October 1, 2024.
- See the bill- [Legislation - HB0325 \(maryland.gov\)](#)
- The second limits the class of people who can object to the appointment of a personal representative, limiting the class to “all interested persons or unpaid claimants.” Effective October 1, 2024.
- See the bill- [Legislation - HB0326 \(maryland.gov\)](#)

# Estate Planning/ Administration

## □ The Inheritance Tax Holds On

- In our analysis, the inheritance tax is inequitable and helps limit the transfer of intergenerational wealth, when low-income clients cannot receive the property due to the tax. This tax particularly impacts non-traditional families.
- There were proposals, but no changes to the law.

## □ Property Tax Credits

- A bill failed that would have increased the combined gross income limits used to determine eligibility for the renters tax credit and homeowners tax credit in Maryland and raised the assessed property rate for homeowners to be eligible for those credits.
- A bill was passed that allows applicants to the homeowner's property tax credit who do not have to file a tax return to apply with an attestation of income. Previously, you would have to provide a tax return even if your income was low enough to not have to file a tax return. Effective June 1, 2024.
- See the bill- [Legislation - SB0283 \(maryland.gov\)](#)

# Family

## □ **Marriage**

- HB300/SB136 Family Law – Marriage Ceremony – Designation of Deputy Clerk
- The bill transfers, from the county administrative judge of the circuit court to the clerk of the circuit court, the authority to designate a deputy clerk to perform a marriage ceremony.
- Amends FL 2-406(a). Effective date 10/1/24.

## □ **Child Support**

- HB435 Child Support – Incarcerated Obligors
- The bill establishes incarceration as a material change of circumstances for the obligor to file for a modification of child support, provided that the party's ability to pay child support is significantly reduced due to the incarceration. and excepts incarcerated obligors from being found to have voluntarily impoverished.
- Amends 12-104, 12-104.1 and 12-204. Effective date 10/1/24.

# Family

- **Children and CINA**
- **HB508/SB550 Children – Labor Trafficking**
- The bill alters the definition of “abuse” to include labor trafficking of a child for the purposes of provisions of law governing CINA cases and child abuse and neglect reporting. It also includes child victims of labor trafficking for referrals to Safe Harbor Regional Navigator Grant Programs for services. The bill also mandates the Department of Human Services (DHS) to include labor trafficking in its annual report on child sex trafficking to the Governor and General Assembly.
- Labor Trafficking is defined as knowingly:
- Taking, placing, harboring, persuading, inducing, or enticing a child by force, fraud, or coercion to provide services or labor, OR
- Receiving a benefit or thing of value from the provision of services or labor by a child that was induced by force, fraud, or coercion.
- Amends C&JP 3-801, FL 5-701 & 5-704.4(c), 5-701(b) and (m), 5-704.3, 5-704.4(b), (d), (e) and (g), 5-701(m). Approved by Governor - Effective date 10/1/24.

# Family

## □ **Children and CINA**

### □ SB708 Family Law – Kinship Care

- The bill alters the definition of relative to mean an individual who is a kinship caregiver for purposes of CINA cases and mandates that the DSS give preference to placement with a kinship caregiver and make proactive, thorough and timely efforts to locate a kinship caregiver. Kinship Caregiver must be aged 18 or older and includes:
  - 1. A Kinship parent:
  - 2. An individual who is related to the child through blood or marriage, adoption, tribal law or custom, or cultural custom or practice; AND
  - 3. An individual who is unrelated to the child but has a strong familial or other significant bond with the child, or is a person identified by the child's parent.
  
- If DSS cannot locate a kinship caregiver at initial placement, DSS shall give preference to a placement that considers:
  - 1. Proximity to the child's home, extended family and siblings;
  - 2. The child's culture or language continuity.
  - 3. The child's age; AND
  - 4. The child's developmental and educational needs.
  
- Amends C&JP 3-801(a), and (x), and FL 1-101(h), and 5-534. Effective date 10/1/24.

# Family

- **Children and CINA**
- HB833 Parents in Substance Use Disorder Treatment – Children in Need of Assistance and Treatment Facilities
- Establishes presumptions that:
  - 1. Placement with a child’s parent is in the best interest of the child
  - 2. There is not an emergency situation, and
  - 3. A child is receiving proper care and attention from the parent.
- If the child’s parent is receiving residential substance use disorder treatment and the child is in the presence of the child’s parent for the duration of the parent’s treatment, the bill authorizes the Behavioral Health Administration to provide beds and services to patients’ children and allow patients’ children to be in the presence of the child’s parent for the duration of treatment. Does not prohibit another person able to provide care for the child from doing so.
- Amends C&JP 3-815 and 3-818, FL 5-525 (e)(4) and HG 8-401. Approved by Governor: Effective date 10/1/24.



# Family

- **Domestic Violence**
- SB439 Family Law – Victims of Domestic Violence Program – Certification and Grant Fund
- The bill requires DV programs to be certified by the State DV coalition as a comprehensive DV program. Establishes a Victims of Domestic Violence Program Grant Fund as a special, non-lapsing fund in the State budget to be administered by the Governor’s Office of Crime Prevention. Grants may be used by certified DV programs for program operations, including establishing additional shelters. The Executive Director shall attempt to secure funding from the federal government, local governments, and private sources. The Governor may include in the annual budget an appropriation of \$5,000,000 to the fund.
- Amends FL 4-515 and 4-516, SFP 6-226(a)(2)(i) and (ii) and 191. Effective date 10/1/24.

# Family

- **Legislative Bills Not Passed**
- HB79 Family Law – Child Custody – Determinations
- HB848/SB327 – Child Custody – Determinations
- SB670 – Child Custody and Visitation – The Best Interest of the Child
- HB1071 Family Law – Grandparent Visitation
- HB 1307 Family Law – Child Custody and Visitations- Visitation Reevaluations and Remedies
- SB 365/HB 405 Family Law – Child Custody Evaluators- Qualifications and Training custody evaluators qualifications and training – dictates training that could be prohibitive.
- SB 663 Family Law – Rebuttable Presumption of Joint Custody
- SB1016 – Health Occupations – Prescriptions for Children Subject to Joint Custody
- HB 648/SB 390 Child Support – Actual Income

# Special Education

- **Special Education (HB903)**- Bill passed that will provide Judicare-like low bono funding for attorneys who take on special education cases. MVLS is working closely with Disability Rights MD and Project Heal to recruit qualified volunteers to handle these cases. MVLS will be administering payment to the volunteers, starting Oct. 1.
  - **Bill passed, and signed by Governor.**

# Resources for MVLS Volunteers: Looking for Pro Bono Cases?



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Free Legal Help



Maryland Volunteer Lawyers Service

## Get Legal Help

If you have a civil legal issue we may be able to help. Find out if you're eligible and contact our intake team here.

## Volunteer

You are the difference between someone having an advocate by their side or facing the legal system alone.

Exit Now

# MVLS Pro Bono Portal:

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

[Share Case](#)

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

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

[Share Case](#)

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### 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.

# FREE Upcoming Training & Volunteer Opportunities:

More info: <https://mvslaw.org/mvls-events/>

## Recent & Upcoming Trainings:

- July 18 – Navigating Tax Controversies Affecting Human Trafficking Survivors
- Recording – The Process for Independent Adoption in Maryland

# **FREE Recorded Trainings:**

**Go to <https://mvlslaw.org/volunteer/volunteer-resources/>**

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)

**NOT AN MVLS VOLUNTEER  
YET?**

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