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February 14, 2022

To: The Honorable Luke Clippinger
Chair, Judiciary Committee

From: Kira Wilpone-Welborn, Assistant Attorney General
Consumer Protection Division

Re: House Bill 691 – Landlord and Tenant and Wrongful Detainer Actions – Eviction
Prevention Services (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) supports House Bill 691 sponsored by Delegate Melissa Wells. In an eviction proceeding, on the request of a party, House Bill 691 would require a court to grant a reasonable continuance for the requesting party to utilize on-site eviction prevention services, or a continuance of at least five (5) business days for the requesting party to obtain advice or representation of an attorney, or necessary documents.

Presently, a court’s authority to grant a continuance is limited. For example, in failure to pay rent actions, in which the parties have no opportunity to obtain discovery, a court may only stay the proceeding for one (1) day upon the request of a party to obtain necessary documents. *See* Real Property Article § 8-401(e)(1). In a tenant holding over proceeding or breach of lease proceeding, a court may only stay the proceeding if a party fails to appear. *See* Real Property Article §§ 8-402(b)(1)(iii); 8-402.1(a)(3). House Bill 691 would afford courts another option for granting a continuance to ensure the interests of justice for all parties to eviction proceedings.

However, due to the expedited nature of eviction proceedings, tenants often are unable to quickly gather the evidence necessary to dispute erroneous allegations of arrearages and material breaches of the lease, investigate misallocations of prior payments, or develop other available defenses. House Bill 691 would afford tenants a reasonable amount of additional time to utilize the services of an eviction prevention services provider if available on the day of trial or to gather evidence, investigate defenses, and confer with an attorney. House Bill 691 would also afford landlords additional time to gather evidence to support an eviction, such as proof of a valid rental license. Authorizing a court to grant a recess to allow the requesting party to use the services of an

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eviction prevention services provider on the day of trial or a continuance for a reasonable amount of time not less than five (5) business days if either party wishes to seek attorney representation, or to procure necessary witnesses or documents, serves the interests of justice for all parties to eviction proceedings and would allow for more orderly proceedings before the court.

For these reasons, the Division requests that the Judiciary Committee give House Bill 691 a favorable report.

cc: The Honorable Melissa Wells
Members, Judiciary Committee