



Bill No: HB 691-- Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services

Committee: Judiciary

Date: 2/16/22

Position: Oppose

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George’s Counties.

This bill mandates that during a wrongful detainer proceeding, upon request, Court shall grant a recess for a “reasonable amount of time” to allow the requestor to access eviction prevention services if the services are available at the courthouse during the scheduled trial. The Court shall also grant a continuance of not less than 5 business days if either party seeks an attorney; to procure witnesses, documents, or proof; or a party demonstrates that the interest of justice will be better served by referring the parties to an eviction prevention services provider.

In current practice, a resident is given ample notice of a court date; that notice lists legal services available to assist a resident in advance of going to court. The State has also created a robust access to counsel program and should be emphasizing the need to seek counsel prior to entering Court on the day of the hearing. Allowing a continuance during the proceeding incentivizes a resident to do nothing in advance of their court date. If passed, rather than take any action prior to a hearing, residents will be rewarded for inaction by a delay in the court action.

Additionally, AOBA members do not take lightly the consequences of an eviction. However, there is ample opportunity to seek eviction prevention assistance prior to a court hearing. There is also time after the Court judgement is entered to seek social work services. Courts are experiencing an extreme backlog in all types of actions. We do not believe there is need to add to the backlog by granting continuances and recesses for residents that are well apprised of free services available to them.

For these reasons AOBA requests an unfavorable report on HB 691.

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