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THE SENATE OF MARYLAND
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Testimony in Support of SB0032
Real Property – Holding Over – Expedited Hearing and Service of Summons for
Active-Duty Service Members

SB0032 reinforces Maryland's commitment to supporting its active-duty service members and their families.

Problem

The problem this bill seeks to solve stems from the unique challenges faced by service members who are Maryland homeowners and return to the state on official orders. Under current law:

- When a landlord gives a tenant proper written notice to leave the property, and the tenant does not leave, the landlord may file a written complaint with the District Court of the county where the property is located.
- The court will then issue a summons telling the tenant to appear in court on the stated day. The constable or sheriff will serve the court summons on the tenant on the property, or on their known or authorized agent. If no one on the property can be found, the sheriff or constable will post a copy of the summons in a clearly visible place on the property. If the tenant has also been sent a notice by first class mail, the posting of the summons will meet the service requirement to allow a judgement to restore the property to the landlord.
- When both parties appear before the court for the eviction proceeding, the tenant will have a chance to explain why he or she should be permitted to remain in the property. If either the landlord or the tenant fails to appear at the eviction hearing, the judge may decide to postpone the hearing for not less than six more than ten days after the date stated in the summons. If the court rules for the landlord, the court will immediately issue a warrant of restitution. The warrant will be served by a sheriff or constable, and requires the tenant to leave the property, returning the property to the possession of the landlord.

Due to overall backlogs in our system, the process outlined above can take several months, leaving service members in limbo with no ability to reoccupy their primary residences. This exact scenario happened to an Anne Arundel resident in late 2021 upon his return to the state on official orders. Because of a tenant who refused to vacate—and an overburdened system—this service member's family couchsurfing for four months.

SB0032

This bill does the following to limit these kinds of cases in the future:

1. Requires the District Court to hold an eviction proceeding within 45 days of the landlord filing their complaint.

2. Allows summons to be served by a private process server if the constable or sheriff of the county does not serve the summons within 10 days after issuance.

This process is only allowed if the landlord or the landlord's spouse:

1. is on active duty with the U.S. Military;
2. has relocated to the State as a direct result of being on active duty;
3. intends to occupy the property that is the subject of the complaint following the entry of a judgment;
and
4. submits supporting documentation.

This bill is particularly significant in fostering a favorable environment for active-duty service members to confidently invest in homeownership within Maryland, knowing that legal recourse is readily available in the event of this kind of scenario. This bill recognizes the unique challenges active-duty service members and their families face when returning to the state while maintaining an orderly procedure that protects tenants and their families.

Delegate Brian Chisholm introduced this bill last session (HB1316) without a Senate cross-file. While the bill passed the House unanimously, it did not pass the Senate in time before *Sine Die*.

Per the Fiscal Note, SB0032 is not anticipated to materially affect State operations or finances. I therefore respectfully urge a favorable report for SB0032.