

Maryland Military Coalition SB0032 Written Testimo

Uploaded by: David Lutzow

Position: FAV



MARYLAND MILITARY COALITION

Serving Veterans through Legislative Advocacy

January 21, 2025

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

Subject: **Request FAVORABLE Report** – SB0032 – Real Property – Holding Over – Expedited Hearing and Service Summons for Active Duty Service Member

Dear Chair Smith and distinguished members of the Judicial Proceedings Committee,

On behalf of the membership of the Maryland Military Coalition (MMC) and as its Legislative Director, I write to recommend a FAVORABLE report as amended by the Committee on ***SB0032 – Real Property – Holding Over – Expedited Hearing and Service Summons for Active Duty Service Member***, sponsored by Senator Dawn Gile. This legislation would primarily require a District Court to hold a hearing on a tenant holding over within a certain number of days after a landlord makes a complaint if the landlord or the landlord’s spouse is on active duty with the United States military.

Throughout their career, active-duty members of the uniformed services of the United States are ordered to move from one permanent duty station to another—called a “permanent change of station,” or PCS. During their career, and at any particular permanent duty station, they may purchase a property that may become their future “home of record,” or HOR. When they PCS to a new permanent duty station, however, rather than sell that property, they may decide to rent it out. Most of the time the length of a PCS is predictable—at least two or three years. On occasion, however, based on the needs of the service in which they serve, the active-duty member may receive orders to PCS back to a permanent duty station near their property before two or three years and desire to move back into what they own by giving proper notice to their tenant. If that tenant refuses to comply with that notice, the legal process of removal can become lengthy and costly. This legislation establishes a fixed time frame for a District Court to act on the complaint of the active-duty member who is the owner and intends to re-occupy the property.

The Maryland Military Coalition **supports SB0032** and asks the Judicial Proceedings Committee for a **FAVORABLE report**. Active-duty members of the uniformed services, who PCS to a new permanent duty station, are only authorized temporary lodging expenses for a short period of time and only certain moving expenses. Beyond that, the member incurs the financial liability involved with the move to the new permanent duty station. This legislation will mitigate against

Subject: Request FAVORABLE Report – SB0032 – Real Property – Holding Over – Expedited Hearing and Service Summons for Active Duty Service Member

the cost to the active-duty member of the extended length of time to remove a non-compliant tenant.

The Maryland Military Coalition is a registered non-profit, non-partisan advocacy organization comprised of 22 prominent Maryland-based veteran and military groups, representing over 150,000 service-connected individuals, including those currently serving, veterans, retirees and their families, caregivers, and survivors. Visit our website at <https://mdmilcoalition.org/>.

We want to thank Senator Dawn Gile for her commitment to the uniformed services community in Maryland.

Respectfully,

A handwritten signature in black ink that reads "David L. Dragics". The signature is written in a cursive style with a large, looped 'D' and 'G'.

David L. Dragics
COL USA (Ret)
Legislative Director

MMHA - 2025 - SB32 - FAV.pdf

Uploaded by: Matthew Pipkin

Position: FAV



Senate Bill 32

Committee: Judicial Proceedings

Bill: Senate Bill 32 - Real Property - Holding Over - Expedited Hearing and Service of Summons for Active Duty Service Members

Date: 1/21/25

Position: Favorable

The Maryland Multi-Housing Association (MMHA) is a professional trade association established in 1996, whose members house more than 538,000 residents of the State of Maryland. MMHA's membership consists of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities and more than 250 associate member companies who supply goods and services to the multi-housing industry.

Senate Bill 32 ("SB 32") requires the District Court of Maryland to hold a hearing on a tenant holding over within 45 days after a landlord makes a complaint if the landlord or landlord's spouse is on active duty with the United States military, has relocated to the state as a direct result of being on active duty, and intends to reoccupy the property that is the subject of the complaint. Additionally, SB 32 allows for a summons to be served by a private process server under these circumstances if the constable or sheriff of the county fails to serve the summons within 10 days after the summons is issued by the Court.

MMHA is sympathetic to the testimony¹ brought forth last session by Mr. Michael Asche, a servicemember who simply tried to earn extra income for his family as a small landlord and housing provider. MMHA is all too familiar with the struggles Mr. Asche has expressed in his testimony. While SB 32 is not expected to affect our members, MMHA stands in principle behind Mr. Asche and other servicemembers who may end up in similar circumstances. For those reasons, MMHA respectfully requests a favorable report on SB 32.

Please contact Matthew Pipkin, Jr. at (443) 995-4342 or mpipkin@mmhaonline.org with any questions.

¹Asche, M. J. (2024, March 21). Request favorable report as amended – HB1316 – Real Property – Holding Over – Expedited Hearing and Service Summons for Active Duty Service Member. [Written testimony]. Maryland General Assembly. https://mgaleg.maryland.gov/cmte_testimony/2024/jpr/22860_03212024_111558-484.pdf

SB32 Testimony_Asche.pdf

Uploaded by: Michael Asche

Position: FAV

January 23, 2025

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

Subject: Request FAVORABLE Report – SB0032 – Real Property – Holding Over – Expedited
Hearing and Service Summons for Active Duty Service Member

Dear Chair Smith and distinguished members of the Judicial Proceedings Committee, for the record this testimony does not reflect the views or opinions of the United States Navy or Department Of Defense.

In 2019 my wife and I rented our Maryland home of five years while away on orders. In 2021 we got orders back to MD starting February 2022. Our tenant's 2nd lease expired October 31st, 2021 and our property manager notified the tenant we would not be renewing. Thinking she'd honor her contract, my wife and daughter drove from Washington back to Maryland in November; I was a sea at the time.

The tenant didn't vacate. She requested a series of short extensions until receiving notice that the hold over court hearing was set for January 18th. She then made it clear she'd stay until then. We filed a motion to expedite the trial Nov.17, but that request was denied without explanation on Dec 3.

The tenant didn't show up to court and abandoned the property the day of. Luckily, we didn't have to go through the eviction process which could have added months. Four months passed from the time the lease ended to the time we were able to move back in. We were extremely fortunate to have a friend willing to put us up for that time. If we hadn't, we would have likely been paying for a hotel or a month-to-month rental without access to our personal property.

I can't put into words the frustration, helplessness, anger, and abandonment we felt during the two and a half months we waited for our court date. The government, to which my wife and I have spent our entire professional lives in service to, would not or could not, do anything to help. Meanwhile, the County Health Department was threatening to fine us for trash accumulation on the property we weren't allowed to enter. My daughter spent her fourth birthday, Thanksgiving, Christmas, and New Year's sleeping on a bean bag chair. So much of our time that should have been spent focused on our jobs and family were wasted talking to lawyers, our property manager, and making pleas to the Maryland judicial and legislative branches.

The law needs to provide protection to renters and landlords alike. No one should have to wait two and half months to have a tenant holdover case heard when it is preventing them from moving back into their home. Thank you for your time. I request a favorable report for HB1316.

Very respectfully,

Michael J. Asche

DG Written Testimony_SB0032.docx.pdf

Uploaded by: Senator Gile

Position: FAV

DAWN D. GILE
Legislative District 33
Anne Arundel County

Finance Committee

Chair

Anne Arundel County
Senate Delegation



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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.

SB32, Leadbetter.pdf

Uploaded by: Shannon Leadbetter

Position: FAV

My name is Shannon Leadbetter, I live in Anne Arundel County and I am here as the spouse of a retired Marine in support of SB32. During my husband's 20 year career, we moved on average every 3 years. Moving that often is hard – the mental, emotional, physical, financial, and logistical challenges are a burden. As soon as a military family receives orders an entire process begins. The spouse updates their resume and undertakes a new job search, the search for childcare in the new location begins, insurance must be updated and changed, utility services all transferred, car insurance updated, the packing of household goods coordinated. The dates of your unit checkout have to line up with your move out, which needs to line up with your new move in, which needs to line up with your unit check in. Your travel (often cross country) must be planned. Children's school documentation – report cards, testing results and possibly teacher recommendations must be collected from the old school, and proof of residency must be collected for the new school. And goodbyes must be said. You must find ways to cope with the loss of friendships, support networks, lifestyles, communities, and spouse careers. Now imagine doing all of this every 3 years. It is a hard lifestyle to live. I can not calculate the additional stress placed on a military family, who endures all of this, and then can not move back into THEIR home because a tenant is holding over. However, I can calculate the financial impacts. Regardless of circumstances, the military member is only reimbursed for 10 days of temporary housing. The impact on military children is also tangible. In Anne Arundel County, to register for public school you need to provide a recent utility or cable bill along with your mortgage statement to prove residency. If the military member cannot move into their home in time due to tenant holder, the military child's education is adversely affected. SB32 is a very reasonable update to the eviction code that will protect military members from bearing an unreasonable burden during what is already a heavy lift. I respectfully ask for your favorable vote.

SB 32_realtors_fav.pdf

Uploaded by: William Castelli

Position: FAV



Senate Bill 32 – Real Property – Holding Over – Expedited Hearing and Service of Summons for Active-Duty Service Members

Position: Favorable

The Maryland REALTORS® support SB 32 which provides a clear time frame for active-duty service members seeking to move into their property when a tenant has unlawfully stayed past their lease term.

SB 32 is narrowly drafted to apply in situations where an owner or the owner's spouse is relocating back to Maryland because of their active-duty, military service. The bill would require the tenant to appear before the court within 45 days after the filing of the complaint. Although the original bill introduced last year gave the tenant a 30-day time frame, the House Committee amended the bill to 45 days. The REALTORS® believe the time frame should be as short as possible given that the tenant knew when the lease term was ending and is now occupying the property unlawfully.

Many military families who own rental property in Maryland often keep the property for one of two reasons. First, they plan to move back to Maryland and live here and, second, they had to move out of state and could not sell the property due to the market or personal finances. Having as expedited a time frame for hearing these complaints helps mitigate financial losses to owners serving our country.

For these reasons, the REALTORS® recommend a favorable report.

**For more information contact lisa.may@mdrealtor.org or
christa.mcgee@mdrealtor.org**

SB 32 THO and Service FWA.pdf

Uploaded by: Matt Hill

Position: FWA



C. Matthew Hill
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SB 32: Real Property – Holding Over – Expedited Hearing and Service of Summons for Active Duty Service Members

Senate Judicial Proceedings Committee Hearing, January 23, 2025

Position: Favorable With Amendments

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their right to safe, habitable, affordable, and non-discriminatory housing and their right to fair and equal treatment by Maryland's landlord-tenant laws, courts, and agencies. The PJC advocates for systemic change to build a just society and remove barriers that impede economic and racial equity.

PJC understands the importance of allowing a returning service member to quickly regain possession of real property if a tenant has not vacated after due notice. We do not oppose the bill's provision requiring that a hearing be held within 45 days of filing under those circumstances. In our experience, most tenant holding over complaints have an initial hearing with 45 days of the landlord filing the complaint.

However, we urge the Committee to strike page 3, lines 20-23 that would allow the landlord to supplant the central role of the Sheriff in the unique "nail and mail" service of complaints for tenant holding over evictions. Tenant holding over complaints do not require personal service – only service by posting on the property and first-class mail by the Sheriff to the tenants. Private process servers have an inherent conflict of interest since they are paid for by the landlord. The Sheriff, by contrast, is a neutral party who is not beholden to the landlord. If the Sheriff is not completing basic service by posting and mailing within a timely manner, then the voters in that County may hold the Sheriff accountable. We strongly urge the Committee not to embark down the slippery slope of taking away this service provision from the Sheriff.

Public Justice Center supports SB 32 so long as the bill is amended to strike the provision allowing for private process servers to supplant the sheriff. If you have any questions, please contact Matt Hill, hillm@publicjustice.org (410) 625-9409 Ext. 229.