

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 384
Landlord and Tenant – Stay of Eviction Proceeding for Rental Assistance Determination
DATE: February 9, 2022
(2/15)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 384. The bill provides for a stay of eviction proceedings when a tenant is waiting for a determination on an application for rental assistance. If a tenant presents evidence that they are waiting for a determination regarding their good faith application for rental assistance, the court shall stay the proceeding until the tenant’s application has been resolved and funds disbursed, or, if judgment has been entered in favor of the landlord, stay the execution of the warrant of restitution or order to surrender the premises until the application for rental assistance has been resolved and funds awarded. A landlord who refuses to accept rental assistance may not obtain relief under this section of the statute or initiate any other judicial action against a tenant to collect the rent sought in the complaint.

The Judiciary has no position on the intent of the legislation but opposes the provision which makes the stay mandatory rather than discretionary by the court. The bill mandates that the court “shall” stay the proceeding or the warrant of restitution. Changing this to “may” would restore the court’s ability to exercise discretion in determining whether or not to grant a stay.

The bill also provides no timeline for the stay (beginning at page 5, line 19) and no mechanism for the court to be made aware that a tenant has received funding, so cases may remain indefinitely. Also, as a condition of accepting rental assistance, landlords are oft times required to enter into rental assistance agreements with other conditions attached. For instance, in addition to dismissing the complaint for failure to pay rent, landlords must agree to dismiss pending tenant holding over or breach of lease actions. Further, the proposed legislation does not consider that some tenants may no longer have a right to redemption to “pay and stay” according to the statute.

cc. Hon. Shelly Hettleman
Judicial Council
Legislative Committee
Kelley O'Connor