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February 21, 2022

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

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

Re: Senate Bill 564 – 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 Senate Bill 564 sponsored by Senators Lee, Sydnor, Smith and Hettleman. In an eviction proceeding, on the request of a party, Senate Bill 564 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). Senate Bill 564 would afford courts another option for granting a continuance to ensure the interests of justice for all parties to eviction proceedings.

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. Senate Bill 564 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. Senate Bill 564 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 eviction

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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 Judicial Proceedings Committee give Senate Bill 564 a favorable report.

cc: The Honorable Susan C. Lee
The Honorable Charles E. Sydnor, III
The Honorable William C. Smith, Jr.
The Honorable Shelly Hettleman
Members, Judicial Proceedings Committee