

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 564
Landlord and Tenant and Wrongful Detainer Actions – Eviction
Prevention Services
DATE: February 9, 2022
(2/22)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 564. The bill provides that in cases involving nonpayment of rent, tenant holding over, breach of lease and other actions brought under Title 8, Subtitle 4 of the Real Property article, and in wrongful detainer actions, on the request of a party, the court shall grant a recess for a reasonable amount of time to permit the requesting party to use the services of an eviction prevention provider if a provider is available at the court building during the scheduled trial. The bill would also mandate the court grant a continuance for a reasonable amount of time not less than 5 business days if either party seeks attorney representation, or to procure necessary witnesses or obtain documents, or if a party demonstrates that the interests of justice will be better served by the court's order of referral of the parties to an eviction prevention services provider.

The bill as filed requires the court to grant a mandatory recess or postponement. This impedes judicial discretion and limits the ability of the court to manage its docket, removing the discretion necessary for effective court management. In addition, the Judiciary questions whether this bill, which laudably seeks to enable individuals to utilize eviction prevention services, is appropriate for wrongful detainer cases as allowed by the bill.

cc. Hon. Susan Lee
Judicial Council
Legislative Committee
Kelley O'Connor