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MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 30, 2022

House Judiciary Committee
**SB 564 – Favorable – Landlord and Tenant and Wrongful Detainer
Actions – Eviction Prevention Services**

Senate Bill 564 seeks to ensure that tenants facing eviction are able to connect with counsel during the eviction hearing if they have not been able to do so prior. This bill authorizes the court to allow a minor recess so the tenant can access eviction prevention services within the courthouse at the time of trial. The Senate amended this bill to try to reach a compromise with most stakeholders. With some clarifications and additional discussions we still aim for consensus language but there may be a few outstanding disagreements to resolve.

This legislation will provide consistency to allow parties a reasonable time through a recess or continuance, to be prepared for trial or engage with services to avoid eviction or the trial itself. The Eviction prevention services in this bill include legal representation, legal advice, back rent or relocation assistance, mediation and counseling. The American Bar Association's recently adopted [Ten Guidelines for Residential Eviction Laws](#) that highlight the policy objectives of this bill. Among these guidelines are the assurance of an opportunity to participate in pre-litigation eviction diversion, to obtain assistance of counsel, and to prepare an eviction defense.

The courts will provide a day of trial recess for parties to use these programs when they are available at court. A continuance to obtain evidence could be crucial to the disposition of justice during these disputes as currently, requests for time to use the services is often denied.

During the eviction process, tenants are faced with numerous stressors: seeking funds, an alternate place to live, and facing a court date, which is understandably stressful for any non-lawyer. In the time allotted under current law, eviction prevention services may be overlooked. I want to allow the court to grant a brief recess so that the tenant may converse with the

services that are often available immediately outside the doors of the rent court or elsewhere in the building.

This legislation helps to ensure that tenants are able to access counsel during a hearing that could otherwise make them- and their family, to include children and the elderly- face housing insecurity. Too often a tenant has no idea of their rights, defenses to eviction, nor resources available to them. When they arrive to the court, they often rush to the courtroom, past the very people who are there to advise them of their choices and rights.

In the Judicial Proceedings Committee, a workgroup that included Chair Will Smith, Sen. Shelly Hettleman, Sen. Ron Watson, Sen. Chris West, and representatives of both Public Justice Center and Maryland Multi-Housing Association reached consensus on these changes: **Strike wrongful detainer actions** from the scope of the bill – the bill will apply to Failure To Pay Rent, Breach of Lease, and Tenant Holding Over actions only. Require a **showing of good cause** for continuances and **Lower the duration of a continuance** from “not *less* than 5 business days” to “not *more* than 5 business days, except for purposes of subpoena or by consent of the parties. JPR adopted those amendments and additionally changed the bill to limit a party to a **one-time continuance**.

Marylanders deserve security in their homes to foster stable atmospheres to raise children. We should engage with all reasonable actions to avoid separating a person, and especially families from their homes. For Marylanders to fully avail themselves to federal rental assistance, they need time to gather their documents and process the applications. The access to these resources should be allowed when we are at the crucial juncture when a person is perhaps made homeless. Time to access services that already exist should be provided consistently.

For these reasons, I respectfully request a favorable report on SB 564 as it passed the Senate, and with the suggestions brought up at the hearing for clarification.