



House Bill 1316 – Real Property – Holding Over – Expedited hearing and Service of Summons for Active-Duty Service Member

Position: Favorable

The Maryland REALTORS® support HB 1316 which provides a clear time frame for active-duty service members seeking to move into their property when a tenant has unlawfully stayed past the lease term.

HB 1316 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 permit a posting of the property within 10 days by a private process server and require the tenant to appear before the court within 45 days after the filing of the complaint.

The 45-day time frame for a hearing is reasonable for a tenant to appear before the court given that the tenant has already been issued a notice of non-renewal by the owner and now has unlawfully stayed past their lease term.

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 an expedited time frame for hearing these cases makes sense and still affords the tenant time to move.

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

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