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Position: FAV



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 21, 2024

Good evening, Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

I am here today on behalf of HB359, "Petition for Guardianship of the Property of Alleged Disabled Person - Stay of Civil Actions and Proceedings." This legislation aimed to enhance the adult guardianship process in our state. As we deliberate on this crucial matter, we must consider the profound impact such legislation can have on the lives of vulnerable Marylanders who require legal protection and support.

The proposed legislation seeks to introduce a temporary stay provision similar to the automatic stay observed in bankruptcy proceedings. Much like the bankruptcy stay, this provision would offer a critical respite to individuals facing financial and housing crises due to their disabilities. It would temporarily halt eviction proceedings and creditor actions, allowing these individuals to have a court-appointed guardian manage their finances and affairs until a more permanent solution is reached.

Allow me to illustrate the necessity of this legislation through real-life examples that highlight the challenges faced by individuals with disabilities in navigating our legal system:

- 1. Individual A's Plight:** Consider the case of Individual A, diagnosed with dementia, who faced the loss of their home due to unpaid taxes. Despite having sufficient equity and resources to rectify the situation, Individual A's cognitive impairment prevented them from taking action. The absence of a temporary stay provision led to the unfortunate sale of their home. Had such a provision been in place, a court-appointed guardian could have intervened, preventing the loss of the home and safeguarding Individual A's assets.
- 2. Individual B's Dilemma:** Similarly, imagine Individual B, living alone with dementia, facing eviction from their apartment due to unpaid rent. Despite having the means to fulfill their financial obligations, Individual B's condition impairs their ability to do so effectively. Without intervention, eviction would not only deprive Individual B of shelter but also expose them to the harsh realities of homelessness, particularly during the winter months. A temporary stay provision would enable the appointment of a guardian to address the arrears and ensure the stability and well-being of Individual B.

These examples underscore the urgent need for legislative measures that prioritize the protection and rights of individuals with disabilities. The proposed legislation offers a lifeline to those who find themselves entangled in legal proceedings they are ill-equipped to navigate alone. Furthermore, it is crucial to emphasize that the temporary stay provision does not unduly burden landlords or creditors. Instead, it serves as a compassionate and pragmatic response to complex situations, safeguarding the interests of all parties involved.

With that, Mr. Chair, and members of the Committee, we ask for a favorable report and thank you for your consideration.

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HB0359-JPR-SUPP.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB0359

March 21, 2024

TO: Members of the Senate Judicial Proceedings Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: House Bill 359 - Petition for Guardianship of the Property of Alleged Disabled Person - Stay of Civil Actions and Proceedings

POSITION: FAVORABLE

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** House Bill (HB) 359.

HB 359 allows petitioners to request stays on certain civil proceedings, including evictions and foreclosures, against a disabled person for whom a guardianship of property is being appointed. This will enable advocates for disabled persons for whom a court is assigning guardianship to stabilize their living situations.

Baltimore City Health Department (BCHD) serves as the city's Area Agency on Aging (AAA). As part of its duties as the AAA, BCHD serves as the court-appointed "guardian of the person" for City residents ages 65 and older who have been legally adjudicated disabled when the individual has no family members or friends who can serve as their guardian. The Deputy Commissioner of Aging is assigned the responsibility of guardianship of the person by the courts.

BCHD's AAA operates the largest public guardianship program in the State for persons 65 and over, acting as the guardian for over 180 disabled persons at any given time. Stabilizing housing for these clients is a primary goal of the guardianship program, but success in doing so requires coordination between the "guardian of person" and the "guardian of property." By staying actions like evictions and foreclosures for the disabled person until a guardian of property is appointed, HB 359 will give the BCHD more time to develop a plan for the client, preventing homelessness and unnecessary hospitalization.

For these reasons, the BCA respectfully requests a **position** report on HB 359.

HB0359-JPR-SUPP.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB0359

March 21, 2024

TO: Members of the Senate Judicial Proceedings Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: House Bill 359 - Petition for Guardianship of the Property of Alleged Disabled Person - Stay of Civil Actions and Proceedings

POSITION: FAVORABLE

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For these reasons, the BCA respectfully requests a **favorable** report on HB 359.

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Uploaded by: Pegeen Townsend

Position: FAV



Maryland
Hospital Association

March 21, 2024

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

Re: Letter of Support- House Bill 359- Petition for Guardianship of the Property of Alleged Disabled Person – Stay of Civil Actions and Proceedings

Dear Chair Smith:

On behalf of the Maryland Hospital Association's (MHA) member hospitals and health systems, we appreciate the opportunity to comment on House Bill 359.

MHA fully supports all efforts to improve the Maryland health care system and hospital experience for patients. HB 359 would further assist patient care and hospital throughput by restricting civil actions taken against the assets of disabled patients who have filed for a guardian.

Often patients are admitted to hospitals without family or representatives to speak on their behalf. In some instances, these disabled patients are incapacitated and unable to account for their finances. HB 359 places a stay on civil actions once a disabled person files for a petition for guardianship of the property. This guardianship legislation protects patients from incurring additional financial hardship while unable to contest.

In many instances, patients are unable to be transported to post-acute settings due to financial impediments. Issues such as lacking access to bank accounts and asset acquisition, stand in between a patient receiving the next step in care. HB 359 would delay any actions against a patient's personal property until a guardian is appointed—giving patients a greater opportunity to retain assets while the guardianship petition works its way through the judicial system—a process that often can take months.

For these reasons, we request a favorable report on HB 359.

For more information, please contact:
Pegeen Townsend, Consultant
Ptownsend@mhaonline.org

HB0359 - FAV - DH .pdf

Uploaded by: Rachel Sledge Government Affairs

Position: FAV

March 21, 2024

The Honorable Will Smith
Chair, Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, Maryland 21401

RE: TESTIMONY ON HB0359 - Petition for Guardianship of the Property of Alleged Disabled Person - Stay of Civil Actions and Proceedings - POSITION: FAVORABLE

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide written testimony in favor of House Bill 359 (HB 359).

With offices in every one of Maryland's jurisdictions, we empower Marylanders to reach their full potential by providing preventative and supportive services, economic assistance, and meaningful connections to workforce development and career opportunities. The Social Services Administration within DHS implements the Adult Services programs which are impacted by HB 359.

HB 359 strengthens protections offered to adults who might need a substitute decision-maker due to significant impairment caused by disease, accident, or disability, during the guardianship process. HB 359 prevents legal actions against property, including evicting or foreclosing on an alleged disabled individual during the guardianship process. Preventing eviction or foreclosure ensures housing security for alleged disabled people during the process of establishing guardianship. In addition, protecting the alleged disabled individual's housing reduces the burden on a local department of social services which may become the guardian for an alleged disabled individual and be required to determine where the person will reside. The burden on the agency is reduced when an individual is able to maintain existing housing arrangements. Moreover, foreclosure or eviction could prevent an individual who is the subject of a pending guardianship from remaining in the community. One of the goals of services for adults is helping them remain in their community when that is a viable option. Preventing foreclosure or eviction furthers the goals of our adult services programs.

We appreciate the opportunity to provide favorable written testimony to the Committee for consideration during your deliberations. If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at rachel.sledge@maryland.gov.

In service,

A handwritten signature in black ink, appearing to read "Rafael López", written over a white background.

Rafael López
Secretary



HB 0359 - JPR - MBA - FWA - GR 24.pdf

Uploaded by: Evan Richards

Position: FWA



**HB 359 - Petition for Guardianship of the Property of Alleged Disabled Person -
Stay of Civil Actions and Proceedings**

Committee: Senate Judicial Proceedings Committee

Date: March 21, 2024

Position: Favorable with Amendments

The Maryland Bankers Association (MBA) **SUPPORTS HB 359 WITH AMENDMENTS**. This legislation, as amended in the House of Delegates, authorizes a petitioner to file a request to stay any of the listed proceedings upon the filing of a petition for guardianship of the property of an alleged disabled person.

Amendments adopted in the House eased MBA's concerns that the legislation as introduced could result in unnecessary delays in the specified proceedings. However, amended language in Section (A) does not explicitly state in which court the petitioner files the request for the stay. The intent of the amendment was to indicate that the petition should be filed in the court where the stay was being sought. Adding the word "in" after "a petitioner may file a request to stay" rectifies that issue.

Accordingly, MBA urges issuance of a **FAVORABLE** report on HB 359 **WITH AMENDMENTS**.

The Maryland Bankers Association (MBA) represents FDIC-insured community, regional, and national banks, employing more than 26,000 Marylanders and holding more than \$209 billion in deposits in over 1,200 branches across our State. The Maryland banking industry serves customers across the State and provides an array of financial services including residential mortgage lending, business banking, estates and trust services, consumer banking, and more.