

HB1316 Letter to Judiciary.pdf

Uploaded by: Brian Chisholm

Position: FAV

BRIAN A. CHISHOLM
Legislative District 31
Anne Arundel County

Health and Government Operations
Committee



The Maryland House of Delegates
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THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

Honorable Members of the Judiciary Committee,

In follow-up to my presentation of HB 1316 on Wednesday, February 28, 2024, I am writing to provide some additional information. This bill is designed to expedite the tenant holdover trial process for active-duty service members being deployed back to their primary residence. Furthermore, it allows the use of private process servers to post court notices in cases where sheriffs or constables encounter challenges in meeting the mandated 10-day timeframe.

During the committee hearing, Delegate Charlotte Crutchfield voiced her appreciation for the intent of the legislation, citing her own experience in a similar situation. She raised a valid question regarding the inclusion of “Process Servers” to perform duties typically granted solely to Sheriff’s Departments. This addition was informed by discussions with multiple Sheriff’s Departments across the state, including Anne Arundel County’s Sheriff Sesker. Sheriff Sesker expressed the department’s staffing limitations in handling a substantial number of citations and subpoenas on an ongoing basis. Delegating some civil documents to a third party, under circumstances where the Sheriff’s Office cannot meet time requirements, would significantly aid the Department.

The overwhelming statistics and workload detailed by the Anne Arundel County Sheriff’s Office underscore the immense burden placed on law enforcement officers, especially in the service of arrest warrants, criminal summons, and civil papers. This situation is not unique to one jurisdiction, but rather indicative of broader systemic issues faced by law enforcement agencies across the state. The sheer volume of 53,453 civil papers received by the Anne Arundel County Sheriff’s Office from the Anne Arundel Circuit Court in the last year further highlights the strain on the system, given that all papers must be served within specific time constraints.

The Sheriff’s Office is confronted with a shortage of personnel, with insufficient staffing levels to handle the multitude of documents, including an inadequate 6 to 8 individuals assigned to manage 9,023 arrest warrants. Additionally, the 21% vacancy rate on the sworn side of the Sheriff’s Office, translating to 18 unfilled positions out of 118 allotted, exacerbates the challenges in meeting the demands of the current system. Efforts to fill these vacancies have been hindered by a continuous cycle of hiring and attrition, resulting in a negative net gain.

The proposal to integrate private process servers, as outlined in HB1316, presents a pragmatic solution to alleviate the strain on the Sheriff’s Office. By authorizing private process servers to handle court notices during resource constraints faced by sheriffs or constables, we can ensure a more efficient and timely process for all involved parties.

I respectfully request your careful consideration of the compelling need for this bill, which not only benefits our active-duty service members but also addresses the practical challenges faced by overburdened statewide Sheriff Offices. Your support for HB1316 will significantly contribute to a more streamlined and effective judicial process.

Thank you for your time and consideration.

Brian Chisholm

Delegate Brian Chisholm

HB1316 Written Testimony - JPC.pdf

Uploaded by: Brian Chisholm

Position: FAV



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB1316: Real Property – Holding Over – Expedited Hearing and Service of Summons for Active Duty Service Member

Honorable Members of the Judicial Proceedings Committee,

HB1316 reinforces Maryland's commitment to supporting its active-duty service members and their families. HB1316 passed out of Committee and the House Unanimously and was supported by the Veterans Caucus and Maryland Military Coalition.

This legislation addresses the unique challenges faced by active-duty service members and their spouses who are the landlords in matters of holdover tenancies and actions related to occupying their **primary** residence, because of orders requiring them to return to their home base in Maryland. Inspired by a real-life constituent experience, the bill aims to prevent such situations for military families.

After discussion with Chief Judge Morrissey, Maryland Judiciary, he felt confident that a tenant holding over-trial process of no later than **45* days** for active-duty service members or their spouse, was certainly attainable for the District Courts.

The bill explicitly mentions that the active-duty service member or spouse intends to occupy their residence within 30 days in response to military orders, the legislation provides a clear and transparent framework. This helps dispel any doubts about the legitimacy of their request for an expedited trial, preventing delays in the legal process. This transparency safeguards service members from unnecessary challenges when they return to their home base, aiming to reside in the homes they rightfully own.

Upon discussion with Chief Judge Morrissey, the bill also authorizes **process servers*** to post notices, if the Sheriff/constable fails to do so within the prescribed 10 days, presenting a practical solution to expedite the legal process. This expands the pool of those who are permitted to serve the Tenant Holding Over which includes licensed private detectives. This not only alleviates the workload on our dedicated sheriffs but also enhances the efficiency of the notifying process, contributing to a swifter resolution of tenant-landlord court hearings.

The provision for expedited trials ensures that landlords, who have diligently followed all rules in providing notice to their tenants, are not left in limbo when facing holdover situations. This is particularly significant in fostering a favorable environment for active-duty service members to confidently invest in homeownership within Maryland, knowing that legal recourse is readily available in the event of this kind of scenario.

I strongly urge a favorable report for HB1316, let's demonstrate our commitment and accommodate legal framework for those who selflessly serve our nation.

Sincerely,

Brian Chisholm

State Delegate Brian Chisholm
Anne Arundel County, District 31

Maryland Military Coalition HB1316 Written Testimo

Uploaded by: DAVID Dragics

Position: FAV



MARYLAND MILITARY COALITION

Serving Veterans through Legislative Advocacy

March 20, 2024

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

Subject: **Request FAVORABLE Report as Amended** – HB1316 – Real Property – Holding Over – Expedited Hearing and Service Summons for Active Duty Service Member

Dear Chair Smith and distinguished members of the Judicial Proceedings Committee,

On behalf of the membership of the Maryland Military Coalition (MMC) and as its Legislative Director, I write to recommend a FAVORABLE report as amended by the Committee on ***HB1316 – Real Property – Holding Over – Expedited Hearing and Service Summons for Active Duty Service Member***, sponsored by Delegate Brian Chisholm (House District 31). This legislation, which **was passed unanimously by the House of Delegates**, would primarily require a District Court to hold a hearing on a tenant holding over within a certain number of days after a landlord makes a complaint if the landlord or the landlord's spouse is on active duty with the United States military.

Throughout their career, active-duty members of the uniformed services of the United States are ordered to move from one permanent duty station to another—called a “permanent change of station,” or PCS. During their career, and at any particular permanent duty station, they may purchase a property that may become their future “home of record,” or HOR. When they PCS to a new permanent duty station, however, rather than sell that property, they may decide to rent it out. Most of the time the length of a PCS is predictable—at least two or three years. On occasion, however, based on the needs of the service in which they serve, the active-duty member may receive orders to PCS back to a permanent duty station near their property before two or three years and desire to move back into what they own by giving proper notice to their tenant. If that tenant refuses to comply with that notice, the legal process of removal can become lengthy and costly. This legislation establishes a fixed time frame for a District Court to act on the complaint of the active-duty member who is the owner and intends to re-occupy the property.

The Maryland Military Coalition **supports HB1316** and asks the Judicial Proceedings Committee for a **FAVORABLE report as amended**. Active-duty members of the uniformed services, who PCS to a new permanent duty station, are only authorized temporary lodging expenses for a short period of time and only certain moving expenses. Beyond that, the member incurs the financial liability involved with the move to the new permanent duty station. This

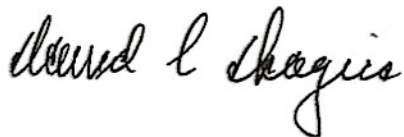
Subject: **Request FAVORABLE Report as Amended** – HB1316 – Real Property – Holding Over – Expedited Hearing and Service Summons for Active Duty Service Member

legislation will mitigate against the cost to the active-duty member of the extended length of time to remove a non-compliant tenant.

The Maryland Military Coalition is a registered non-profit, non-partisan advocacy organization comprised of prominent Maryland-based veteran and military groups, representing over 150,000 service-connected individuals, including those currently serving, veterans, retirees and their families, caregivers, and survivors.

We want to thank Delegate Brian Chisholm for his commitment to the uniformed services community in Maryland.

Respectfully,

A handwritten signature in black ink that reads "David L. Dragics". The signature is written in a cursive, flowing style.

David L. Dragics
COL USA (Ret)
Legislative Director

Member Organizations, Maryland Military Coalition

James P. Monahan
Air Force Sergeants Association

John P. May
American Military Society

Elwood R. Raphael Gray
American Minority Veterans Research Project

W. W. Allen
Association of the United States Navy

Lynn A. Dask
Commissioned Officers Association of the
US Public Health Service

Wilbur B. Fisher
Disabled American Veterans

Seldon H. Freedberg
Distinguished Flying Cross Association

Phyllis J. Collins
Fleet Reserve Association

Seldon H. Freedberg
Jewish War Veterans of the USA

Steve L. Brooker
Maryland Air National Guard Retirees'
Association

Emmett R. Robert
Maryland Veterans Chamber of Commerce

Robert J. Winton
Military Officers Association of America

Charles E. Ebert
Military Order of the Purple Heart

E. J. ...
Montford Point Marines of America

M. L. Messer
National Association for Black Veterans

Michael P. Hays
Naval Enlisted Reserve Association

Christian Andreason
NOAA Association of Commissioned Officers

John S. ...
Reserve Organization of America

Catherine L. McGraw
Society of Military Widows

E. J. ...
National Active and Retired Federal Employees
Veterans Affairs Directorate, NARFE MD

M. Blackwell
Veterans of Foreign Wars

MGAVC24_HB1316 Senate Hearing.pdf

Uploaded by: Nick Allen

Position: FAV



MARYLAND GENERAL ASSEMBLY
VETERANS CAUCUS

TO: Chair Senator William C. Smith, Jr.
Judicial Proceedings Committee

FROM: Maryland Veterans Caucus, House Membership

DATE: March 21st, 2024

RE: **HB1316- Real Property – Holding Over – Expedited Hearing and Service of Summons for Active Duty Service Member**

The Maryland Veterans Caucus, House Membership respectfully requests a favorable report on **HB1316- Real Property – Holding Over – Expedited Hearing and Service of Summons for Active Duty Service Member**

This bill was sponsored by Delegate Brian Chisholm for the purpose of requiring a District Court to hold a hearing on a tenant holding over within 30 days after a landlord makes a complaint if the landlord or the landlord's spouse is on active duty with the United States military; and authorizing a licensed private detective agency to serve a summons if the constable or sheriff fails to serve the summons within 10 days after the summons is issued by the court.

The Veterans Caucus mission is to study, develop, and promote legislation designed to improve the quality of life for veterans in the State of Maryland in the areas of employment, education, economics, training, and health. And to assist the Maryland Department of Veterans Affairs in achieving its mission and goals, on behalf of the veterans in the State.

The Veterans Caucus Legislative Review Board offers and **recommends support and a favorable report of HB1316.**

Thank you,

Mike Rogers

Delegate Mike Rogers
House Chair, Veterans Caucus

HB1316.pdf

Uploaded by: Suzanne Price

Position: FAV

Hello Members of the Judiciary Committee,

Please support our military in Maryland by supporting HB1316, this bill will help our service members and their families with quick resolutions to legal burdens. They are serving our country and should get any and all support from the People of Maryland and those who represent us/them.

Thank you for supporting HB1316

Suzanne Duffy
Annapolis, Maryland

HB1316 will expedite the tenant hold-over trials for active-duty service members. This bill, by allowing private process servers in challenging cases, ensures a swift 10-day resolution, reinforcing Maryland's commitment to our military.

<https://mgaleg.maryland.gov/mgaweb/legislation/details/hb1316?ys=2024RS>

Requiring a District Court to hold a hearing on a tenant holding over within 30 days after a landlord makes a complaint if the landlord or the landlord's spouse is on active duty with the United States military; and authorizing a licensed private detective agency to serve a summons if the constable or sheriff fails to serve the summons within 10 days after the summons is issued by the court.

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Uploaded by: William Castelli

Position: FAV



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.

**For more information contact lisa.may@mdrealtor.org or
christa.mcgee@mdrealtor.org**

SB 1316 Read Property - Holding Over- Expedited He

Uploaded by: Michael Asche

Position: FWA

March 21, 2024

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

Subject: **Request FAVORABLE Report as Amended** – HB1316 – Real Property – Holding Over – Expedited Hearing and Service Summons for Active Duty Service Member

Dear Chair Smith and distinguished members of the Judicial Proceedings Committee,

For the record this testimony does not reflect the views or opinions of the United States Navy or Department Of Defense.

In 2019 my wife and I rented our Maryland home of five years while away on orders. In 2021 we got orders back to MD starting February 2022. Our tenant's 2nd lease expired October 31st 2021 and our property manager notified the tenant we would not be renewing. Thinking she'd honor her contract, my wife and daughter drove from Washington back to Maryland in November; I was a sea at the time.

The tenant didn't vacate. She requested a series of short extensions until receiving notice that the hold over court hearing was set for January 18th. She then made it clear she'd stay until then. We filed a motion to expedite the trial Nov.17, but that request was denied without explanation on Dec 3.

The tenant didn't show up to court and abandoned the property the day of. Luckily, we didn't have to go through the eviction process which could have added months. Four months passed from the time the lease ended to the time we were able to move back in. We were extremely fortunate to have a friend willing to put us up for that time. If we hadn't, we would have likely been paying for a hotel or a month-to-month rental without access to our personal property.

I can't put into words the frustration, helplessness, anger, and abandonment we felt during the two and a half months we waited for our court date. The government, to which my wife and I have spent our entire professional lives in service to, would not or could not, do anything to help. Meanwhile, the County Health Department was threatening to fine us for trash accumulation on the property we weren't allowed to enter. My daughter spent her fourth birthday, Thanksgiving, Christmas, and New Year's sleeping on a bean bag chair. So much of our time that should have been spent focused on our jobs and family were wasted talking to lawyers, our property manager, and making pleas to the Maryland judicial and legislative branches.

The law needs to provide protection to renters and landlords alike. No one should have to wait two and half months to have a tenant holdover case heard when it is preventing them from moving back into their home. Thank you for your time. I request a favorable report for HB1316.

Very respectfully,

Michael J. Asche