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HB 229: Real Property – Holding Over – Expedited Hearing and Service of Summons for Active Duty Service Members

House Judiciary Committee Hearing, January 29, 2025

Position: Favorable With Amendments

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their right to safe, habitable, affordable, and non-discriminatory housing and their right to fair and equal treatment by Maryland's landlord-tenant laws, courts, and agencies. The PJC advocates for systemic change to build a just society and remove barriers that impede economic and racial equity.

PJC understands the importance of allowing a returning service member to quickly regain possession of real property if a tenant has not vacated after due notice. We do not oppose the bill's provision requiring that a hearing be held within 45 days of filing under those circumstances. In our experience, most tenant holding over complaints have an initial hearing with 45 days of the landlord filing the complaint.

However, we urge the Committee to strike page 3, lines 20-23 that would allow the landlord to supplant the central role of the Sheriff in the unique "nail and mail" service of complaints for tenant holding over evictions. Tenant holding over complaints do not require personal service – only service by posting on the property and first-class mail by the Sheriff to the tenants. Private process servers have an inherent conflict of interest since they are paid for by the landlord. The Sheriff, by contrast, is a neutral party who is not beholden to the landlord. If the Sheriff is not completing basic service by posting and mailing within a timely manner, then the voters in that County may hold the Sheriff accountable. We strongly urge the Committee not to embark down the slippery slope of taking away this service provision from the Sheriff.

Public Justice Center supports HB 229 so long as the bill is amended to strike the provision allowing for private process servers to supplant the sheriff. If you have any questions, please contact Matt Hill, hillm@publicjustice.org (410) 625-9409 Ext. 229.