



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB0229: Real Property - Holding Over - Expedited Hearing and Service of Summons for Active Duty Service Members

Honorable Members of the Judiciary Committee,

HB229 is a reintroduction from last session that passed out of this committee and house chamber unanimously. It reinforces Maryland's commitment to supporting its active-duty service members and their families.

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 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.

Through discussions with Chief Judge Morrissey and the Maryland Judiciary, this bill would expedite the trial process of no later than 45 days for active-duty service members or their spouse, with evidence of proof of service papers at the time of filing for an eviction, seeking repossession of their residence after the lease term has expired and there is a tenant holding over. Why 45 days? Upon discussion with Chief Judge Morrissey, this timeframe would assure that each of the District Court systems in Maryland can accommodate these parameters given the heavy caseload they may have to manage.

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.

Furthermore, it allows the use of private 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. 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.

This addition was informed by discussions with multiple Sheriff's Departments across the state, including Anne Arundel County's Sheriff Sesker. Last session, 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 HB229, 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.

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.

HB229 has also received letters of support from the MD Military Coalition and the MGA Veterans Caucus.

I strongly urge a favorable report for HB229, let's demonstrate our commitment and accommodate legal framework for those who selflessly serve our nation. Thank you for your time and consideration.

Sincerely,



State Delegate Brian Chisholm
Anne Arundel County, District 31