

EXCEPT BY ORDER OF COURT IN A PROCEEDING AFFECTING THE RIGHT OF POSSESSION, AN ACTION FOR EVICTION OR DISTRESS MAY NOT BE BROUGHT AGAINST A PERSON IN EMERGENCY MANAGEMENT SERVICE OR PERSON SUFFERING INJURY OR DAMAGE IF:

(1) THE RENT FOR THE PREMISES DOES NOT EXCEED \$150 PER MONTH;
AND

(2) THE PREMISES ARE OCCUPIED FOR DWELLING PURPOSES BY THE SPOUSE, CHILDREN, OR OTHER DEPENDENTS OF THE PERSON IN EMERGENCY MANAGEMENT SERVICE OR PERSON SUFFERING INJURY OR DAMAGE.

(B) STAY OF PROCEEDINGS.

(1) IN A PROCEEDING AFFECTING THE RIGHT OF POSSESSION:

(I) 1. ON ITS OWN INITIATIVE THE COURT MAY STAY THE PROCEEDING FOR A PERIOD NOT EXCEEDING 3 MONTHS; AND

2. SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON MOTION THE COURT SHALL STAY THE PROCEEDING FOR A PERIOD NOT EXCEEDING 3 MONTHS; OR

(II) THE COURT MAY ISSUE ANY OTHER ORDER.

(2) THE COURT NEED NOT STAY THE ACTION IF THE COURT FINDS THAT THE ABILITY OF A TENANT TO PAY THE AGREED RENT WAS NOT MATERIALLY AFFECTED BECAUSE THE TENANT WAS A PERSON IN EMERGENCY MANAGEMENT SERVICE OR PERSON SUFFERING INJURY OR DAMAGE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 16A, § 22(a) and (b).

In the introductory language of subsection (a) and in subsection (b)(1) of this section, the former obsolete references to an "application" are deleted as included in the general reference to a "proceeding affecting the right of possession".

In subsection (a)(2) of this section, the former reference to premises occupied "chiefly" for dwelling purposes is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the former phrase "as may be just" is deleted as implicit.

In subsection (b)(2) of this section, the reference the court "finds" is substituted for the former phrase "in the opinion of" the court for clarity and consistency throughout this subtitle.

The Public Safety Article Review Committee notes, for consideration by the General Assembly, that rent under this section may not exceed \$150 per month. This rent limitation, which shields a person from eviction or distraint under subsection (a)(1) of this section, is obsolete given current economic conditions because it is doubtful that many premises can be