

SENATE BILL 520

L2, N1

8lr2938
CF 8lr0845

By: **Senators Conway, Nathan–Pulliam, Oaks, and Robinson**

Introduced and read first time: January 29, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Landlord and Tenant – Repossession for Failure to Pay Rent –**
3 **Procedures**

4 FOR the purpose of specifying certain requirements for a complaint for repossession for
5 failure to pay rent in Baltimore City; altering the date when a certain individual may
6 be ordered to appear in court in a certain repossession action in Baltimore City;
7 altering the notice and service requirements in a certain repossession action in
8 Baltimore City; requiring a court to reschedule a certain hearing and a sheriff to
9 refund certain fees if the sheriff is unable to serve a certain summons in Baltimore
10 City under certain circumstances; making stylistic changes; and generally relating
11 to actions for repossession for failure to pay rent in Baltimore City.

12 BY repealing and reenacting, with amendments,
13 The Public Local Laws of Baltimore City
14 Section 9–3
15 Article 4 – Public Local Laws of Maryland
16 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article 4 – Baltimore City**

20 9–3.

21 **(A)** Whenever any lessor shall desire to have again and repossess any premises to
22 which he is entitled under the provisions of the preceding section, he or his duly qualified
23 agent or attorney, shall make his written complaint under oath or affirmation, in the
24 District Court of Baltimore City, **THAT FOLLOWS SUBSTANTIALLY THE FORM AND**
25 **CONTENT REQUIRED UNDER TITLE 8 OF THE REAL PROPERTY ARTICLE OF THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **ANNOTATED CODE OF MARYLAND**, and describing therein in general terms the property
2 sought to be had again and repossessed as aforesaid, and also setting forth the name of the
3 tenant to whom the same is rented, or his assignee or [under tenant] **UNDERTENANT** or
4 tenants, with the amount of rent thereon due and unpaid; and praying by warrant to have
5 again and repossess the premises, together with judgment for the amount of rent due and
6 costs; and it shall thereupon be the duty of said District Court of Baltimore City forthwith
7 to issue summons directed to a [constable] **SHERIFF** of said court, ordering [him] **THE**
8 **SHERIFF** to notify said tenant, assignee or undertenant forthwith to appear before the said
9 District Court at trial to **BE** held on **A DATE DETERMINED BY THE COURT THAT IS NO**
10 **LATER THAN** the [fifth] **FOURTEENTH** day after the filing of said complaint, except as
11 hereinafter provided, to show cause why the prayer of said lessor should not be granted as
12 aforesaid[, and the said constable].

13 **(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE SHERIFF** shall
14 forthwith proceed to serve said summons on or [before the third day after the filing of said
15 complaint] **AT LEAST SEVEN DAYS BEFORE THE TRIAL DATE**, upon said tenant, assignee
16 or [under tenant] **UNDERTENANT** in said premises, or upon his or their known or
17 authorized agent, or [said constable] **THE SHERIFF** shall affix an attested copy of said
18 summons conspicuously upon said premises, and such affixing of said summons **AFTER**
19 **DUE NOTICE TO THE TENANT, ASSIGNEE, OR UNDERTENANT BY FIRST-CLASS MAIL**
20 shall, for the purposes of this subheading of this article, be deemed and construed a
21 sufficient service upon all persons whomsoever.

22 **(C) IF THE SHERIFF IS UNABLE TO SERVE THE SUMMONS AS REQUIRED BY**
23 **SUBSECTION (B) OF THIS SECTION, THE COURT SHALL RESCHEDULE THE HEARING**
24 **TO ALLOW FOR SERVICE AT LEAST SEVEN DAYS IN ADVANCE OF THE NEW HEARING**
25 **DATE, AND THE SHERIFF SHALL REFUND ANY FEES FOR SERVICE IF THE SHERIFF'S**
26 **FAILURE TO TIMELY SERVE A SUMMONS IS NOT THE RESULT OF A DELAY BY THE**
27 **COURT.**

28 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
29 October 1, 2018.