

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
Third Reader

Senate Bill 996

(Senator Waugh)

Judicial Proceedings

Environment and Transportation

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**St. Mary's County - Local Landlord and Tenant Law - Repeal**

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This bill repeals a provision in the public local laws of St. Mary's County that has been superseded by a provision of State law related to the return of seized goods to a tenant in an action of distress for rent.

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**Fiscal Summary**

**State Effect:** The bill does not impact the operations or finances of the District Court.

**Local Effect:** The does not impact the operations or finances of St. Mary's County.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** In St. Mary's County, when property seized for nonpayment of rent is being held by a constable (the sheriff) or an agent of the landlord, the tenant must go before the District Court to request the return of the property. The tenant must consent to the judgment of the court in favor of the landlord and file a bond with the court for a specified amount. Once the court is satisfied with the sufficiency of the bond, the court must issue an order to the sheriff, landlord, or agent of the landlord to release the property.

*Distress for Rent in Maryland*

Generally, in an action of distress for rent, on a determination of reasonable probability, the District Court must quickly issue an order that all goods on the leased property be

seized, with specified exceptions. The officer making the seizure must follow specified service of process requirements, and take an inventory of the property.

*Bond for Return of Levied Goods*

Any person whose goods have been seized may petition the court for the return of the goods. However, the court may require the person to file a bond with the court in a form and in an amount the court determines. The bond must run to the State and indemnify the landlord and any other injured person against all claims for damages as a result of the release of the property. The court may also order a complete or partial release of any property after receiving a written request from all parties to the action of distress. If such a request is submitted, no bond is required for release of the property specified in the request.

**Background:** The Administrative Office of the Courts advises that, in 2015, there were no actions of distress for rent filed and, therefore, no orders of levy issued in St. Mary's County.

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 890 (St. Mary's County Delegation) - Environment and Transportation.

**Information Source(s):** St. Mary's County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2016  
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Analysis by: Nathan W. McCurdy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510