

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

Senate Bill 501

(Senator Norman)

Judicial Proceedings

Judiciary

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**Real Property - Wrongful Detainer Actions - Trial by Jury**

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This bill clarifies the authorization and procedures for demanding a jury trial in a wrongful detainer action brought in the District Court.

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect the District Court or State finances or operations.

**Local Effect:** The bill is not anticipated to materially affect the circuit courts or local finances or operations.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** “Wrongful detainer” means to hold possession of real property without the right to do so. If a person holds possession of a property to which he or she is not entitled, a person claiming possession may file a complaint, in writing, with the District Court of the county in which the property is located. Once the court receives a complaint, the court must summon the person in possession of the property, with specified notice, to show why the court should not restore possession of the property to the person who filed the complaint (the plaintiff).

Generally, a party is entitled to a jury trial when the amount in controversy exceeds \$15,000 and the filing of the demand for a jury trial meets other specified requirements. Statute does not contain an explicit authorization for either party in a wrongful detainer action to

demand a jury trial. However, statute does specify that, when a party in a wrongful detainer action demands a jury trial, the District Court must immediately enter an order directing the person or entity in possession of the property to pay the monthly fair rental value of the property that is subject to the action, or any other amount the court may determine to be appropriate. The order must require the amount determined by the court to be paid within five days of the date of the order.

**Background:** Defenses in a wrongful detainer case are limited, and any claims against the plaintiff are generally filed in a separate civil action. The Administrative Office of the Courts (AOC) advises that 2,270 wrongful detainer actions were filed in fiscal 2016.

Generally, any party to an action brought in the District Court under Title 8 of the Real Property Article (Landlord Tenant) may demand a trial by jury if the amount in controversy meets the requirements for a trial by jury. Prior to 2010, provisions related to a wrongful detainer action were codified under Title 8. Chapters 558 and 559 of 2010 recodified and transferred those provisions to Title 14 (Miscellaneous Rules).

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore, Carroll, Harford, Montgomery, and St. Mary's counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2017  
md/kdm Third Reader - March 31, 2017  
Revised - Amendment(s) - March 31, 2017  
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