



House Bill 176

Committee: Judiciary
Date: February 2, 2022
Position: Favorable with Amendments

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

House Bill 176 raises the fee that a sheriff shall collect: (1) for service of a paper not including an execution or attachment; (2) for service including an execution or attachment by taking into custody a person or seizing real or personal property; and (3) for service of process papers arising out of administrative agency proceedings where the party requesting the service is a nongovernmental entity. The change would raise the fee for a warrant of restitution and for service of process in breach of lease and tenant holdover cases.

MMHA's position on fee increases has been consistent, we are open to consideration of appropriately increased and fully recoverable fees. As such, we are supportive of the recoverability aspect of HB 176. Further, we respectfully request that the committee consider a more modest 25% fee increase as opposed to a 50% fee increase. A \$10 increase would result in a \$60 warrant of restitution in Baltimore City and a \$50 warrant of restitution in the rest of the state, which would be higher than states like Virginia (\$25) and Delaware (\$40). An amendment is included below for the committee's consideration.

MMHA encourages the committee to consider an amendment that would allow service of process by a person authorized under the Maryland Rules. State law currently allows for service of process by a person authorized under the Maryland Rules for nonresidential properties and for any premises in Wicomico County. *See MD Code, Real Property, § 8-401(b)(5)*. This amendment would help to alleviate workload burdens for sheriff departments and may lead to cost savings. An amendment is included below for the committee's consideration.

MMHA is supportive of the recoverability aspect of HB 176, and we respectfully request that the committee consider two amendments that would provide a more modest increase in the fee and provide for service of process by a person that is authorized under the Maryland Rules.

Amendment 1: On page 1, line 17 and line 19, strike both occurrences of "\$60" and insert "\$50"

Amendment 2: On page 2, at the end of line 11, incorporate existing text from MD Code, Real Property, § 8-401(b)(5)(i), and strike, "nonresidential"