

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1445
Judiciary

(Delegate Schmidt)

Landlord and Tenant - Actions for Possession - Service of Process by a Private Detective

This bill establishes that if a complaint for repossession filed by a landlord in a failure to pay rent, breach of lease, or tenant holding over action also seeks a money judgment, service of process on a tenant (1) must be directed to a constable or sheriff in accordance with applicable statute and (2) on request of a plaintiff, may be directed to a licensed private detective who is authorized under the Maryland Rules to serve process.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Potential meaningful.

Analysis

Current Law: In general, a landlord seeking to evict a tenant initiates the process by filing the appropriate action (*e.g.*, failure to pay rent, breach of lease, etc.) in the District Court. In addition to repossession of the premises, a landlord may seek a money judgment under certain circumstances (*e.g.*, in failure to pay rent cases, a landlord may seek a judgment for the amount of rent due, costs and any late fees, as specified). Generally, after the landlord's written complaint has been properly filed with the District Court, the court must issue a summons, directed to any constable or sheriff of the county entitled to serve process and

ordering the constable/sheriff to notify the tenant to appear before the District Court to answer the complaint. The constable or sheriff must serve the summons, as specified.

Small Business Effect: The bill may have a meaningful impact on small business private detectives, to the extent that landlords utilize such detectives for service of process as authorized in the bill.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Harford and Montgomery counties; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2024
km/jkb

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