

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1316
Judiciary

(Delegate Chisholm, *et al.*)

Judicial Proceedings

Real Property – Holding Over – Expedited Hearing and Service of Summons for
Active Duty Service Member

This bill establishes specific requirements in tenant holding over actions if the landlord or the landlord’s spouse (1) is on active duty with the U.S. Military; (2) has relocated to the State as a direct result of being on active duty; (3) intends to occupy the property that is the subject of the complaint following the entry of a judgment; and (4) submits supporting documentation. In applicable actions under the bill, the District Court must order in the summons for the tenant, assignee, or subtenant to appear before the court no later than 45 days after the date the landlord makes a complaint to repossess the property. If the constable or sheriff of the county does not serve the summons within 10 days after issuance, the summons may be served by a private process server.

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: Minimal.

Analysis

Current Law: Generally, a landlord must provide notice of the intent to terminate a tenancy and repossess the property within timeframes established in statute; the timeframes and specific requirements of the notice depend, in part, on the term of the lease, the type of tenancy, and whether the lease is a written one. For example, if the parties have a

written lease for a stated term in excess of one week or a tenancy from month to month, written notice is generally required 60 days before the expiration of the tenancy. In the case of tenancies from year to year (including tobacco farm tenancies but excluding all other farm tenancies), written notice is generally required 90 days before the expiration of the current year of the tenancy. After required notice is provided, if the tenant or person in actual possession refuses to comply, the landlord may file a complaint in the District Court under procedures specified in statute.

The District Court must issue a summons, directed to any constable or sheriff entitled to serve process and ordering the constable/sheriff to notify the tenant (or assignee/subtenant) to appear in court on a designated date. The constable or sheriff must serve the summons, as specified.

Additional Information

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

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 26, 2024
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