
By: **Delegate DeCarlo**

Introduced and read first time: February 9, 1998

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant - Repossession - Service of Process**

3 FOR the purpose of authorizing service of process on a tenant by certain persons
4 authorized to serve process under the Maryland Rules in a certain action to
5 repossess premises; prohibiting service of process by an agent, employee, or
6 representative of a landlord in those actions; and generally relating to service of
7 process on a tenant in an action to repossess premises.

8 BY repealing and reenacting, without amendments,
9 Article - Real Property
10 Section 8-401(a)
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1997 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Real Property
15 Section 8-401(b)
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1997 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Real Property**

21 8-401.

22 (a) Whenever the tenant under any lease of property, express or implied,
23 verbal or written, shall fail to pay the rent when due and payable, it shall be lawful
24 for the landlord to have again and repossess the premises so rented.

25 (b) (1) Whenever any landlord shall desire to repossess any premises to
26 which he is entitled under the provisions of subsection (a) of this section, he or his
27 duly qualified agent or attorney shall make his written complaint under oath or
28 affirmation, before the District Court of the county wherein the property is situated,

1 describing in general terms the property sought to be repossessed, and also setting
2 forth the name of the tenant to whom the property is rented or his assignee or
3 subtenant with the amount of rent due and unpaid; and praying by warrant to
4 repossess the premises, together with judgment for the amount of rent due and costs.
5 The District Court shall issue its summons, directed to any constable or sheriff of the
6 county entitled to serve process, and ordering him to notify by first-class mail the
7 tenant, assignee, or subtenant to appear before the District Court at the trial to be
8 held on the fifth day after the filing of the complaint, to answer the landlord's
9 complaint to show cause why the prayer of the landlord should not be granted, and
10 the constable or sheriff shall proceed to serve the summons upon the tenant, assignee
11 or subtenant in the property or upon his known or authorized agent, but if for any
12 reason, neither the tenant, assignee or subtenant, nor his agent, can be found, then
13 the constable or sheriff shall affix an attested copy of the summons conspicuously
14 upon the property. The affixing of the summons upon the property after due
15 notification to the tenant, assignee, or subtenant by first-class mail shall
16 conclusively be presumed to be a sufficient service to all persons to support the entry
17 of a default judgment for possession of the premises, together with court costs, in
18 favor of the landlord, but it shall not be sufficient service to support a default
19 judgment in favor of the landlord for the amount of rent due.

20 (2) Notwithstanding the provisions of paragraph (1) of this subsection,
21 [in Wicomico County,] in an action to repossess any premises under this section,
22 service of process on a tenant may be directed to any person authorized under the
23 Maryland Rules to serve process IF THE PERSON IS NOT AN AGENT, EMPLOYEE, OR
24 REPRESENTATIVE OF THE LANDLORD.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1998.