

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

House Bill 110 (Delegate Krvsiak)

Judiciary

District Court - Court Costs - Landlord-Tenant - Summary Ejectment

This bill provides that a sheriff shall collect a fee of \$5 for service of summary ejectment papers for each location, and an additional \$5 for each tenant for whom personal service is requested.

Fiscal Summary

State Effect: None. The bill would not substantively change State activities or operations.

Local Effect: Potential significant decrease in revenues. No effect on expenditures.

Small Business Effect: None.

Fiscal Analysis

Background: Local sheriffs (or constables) have exclusive authorization to serve summary ejectment notices. Section 7-402(a)(1) of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland currently provides that a sheriff shall collect \$5 for service of summary ejectment papers. The “District Court of Maryland Civil Cost Schedule and Other Charges,” which is set forth immediately following Section 7-301 of the Courts and Judicial Proceedings Article, provides that, in all counties except Baltimore City, the summary ejectment service fee is \$5 for each tenant of record. The schedule further states that the summary ejectment service fee in Baltimore City is \$5 for each location, plus an additional fee of \$5 for each tenant for whom personal service is requested. As a practical matter, personal service is not often requested in Baltimore City because service is not required to be served on an individual in summary ejectment cases in Baltimore City. Therefore, in

jurisdictions other than Baltimore City, the total per-location service fee in summary ejectment cases is \$5 times the number of tenants, while in Baltimore City, the total per-location service fee is \$5 (unless personal service is requested).

The District Court clerk's office collects the service fees, which are remitted to the respective local general fund by the sheriff.

State Effect: The change in amount of service fees would not affect the workload of the District Court.

Local Revenues: To the extent that this bill results in changing the total per-location summary ejectment service fee to \$5 in jurisdictions other than Baltimore City, those jurisdictions could experience significant revenue decreases. Prince George's County would probably experience the greatest revenue decrease due to the large number of summary ejectment actions that are filed in that county. The Prince George's County District Court Clerk's office advises that 153,700 summary ejectment cases were filed in calendar 1998. Assuming an average of 1.5 tenants per property, it is estimated that Prince George's County's summary ejectment service fee revenue for one year could be reduced by as much as \$384,250.

Similar data for other counties is not readily available.

Information Source(s): Judiciary (District Court of Maryland), Apartment and Office Building Association of Metropolitan Washington, Prince George's County District Court Clerk's Office (Landlord - Tenant Division), Department of Legislative Services

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Analysis by: Claire E. Rooney

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510