

SENATE BILL 90

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2000 Regular Session
0lr1058

By: **Senator Baker**

Introduced and read first time: January 13, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing service of process on a tenant in a certain action to
4 repossess premises to be directed to any person authorized under the Maryland
5 Rules to serve process; providing for the application of this Act; and generally
6 relating to service of process in certain landlord and tenant actions.

7 BY repealing and reenacting, without amendments,
8 Article - Real Property
9 Section 8-401(a)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1999 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Real Property
14 Section 8-401(b)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1999 Supplement)

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

19 **Article - Real Property**

20 8-401.

21 (a) Whenever the tenant or tenants fail to pay the rent when due and payable,
22 it shall be lawful for the landlord to have again and repossess the premises.

23 (b) (1) Whenever any landlord shall desire to repossess any premises to
24 which the landlord is entitled under the provisions of subsection (a) of this section, the
25 landlord or the landlord's duly qualified agent or attorney shall file the landlord's
26 written complaint under oath or affirmation, in the District Court of the county
27 wherein the property is situated:

1 (i) Describing in general terms the property sought to be
2 repossessed;

3 (ii) Setting forth the name of each tenant to whom the property is
4 rented or any assignee or subtenant;

5 (iii) Stating the amount of rent and any late fees due and unpaid;
6 and

7 (iv) Requesting to repossess the premises and, if requested by the
8 landlord, a judgment for the amount of rent due, costs, and any late fees.

9 (2) For the purpose of the court's determination under subsection (c) of
10 this section the landlord shall also specify the amount of rent due for each rental
11 period under the lease, the day that the rent is due for each rental period, and any
12 late fees for overdue rent payments.

13 (3) The District Court shall issue its summons, directed to any constable
14 or sheriff of the county entitled to serve process, and ordering the constable or sheriff
15 to notify the tenant, assignee, or subtenant by first-class mail:

16 (i) To appear before the District Court at the trial to be held on the
17 fifth day after the filing of the complaint; and

18 (ii) To answer the landlord's complaint to show cause why the
19 demand of the landlord should not be granted.

20 (4) (i) The constable or sheriff shall proceed to serve the summons
21 upon the tenant, assignee or subtenant or their known or authorized agent as follows:

22 1. If personal service is requested and any of the persons
23 whom the sheriff shall serve is found on the property, the sheriff shall serve any such
24 persons;

25 2. If personal service is requested and none of the persons
26 whom the sheriff is directed to serve shall be found on the property and, in all cases
27 where personal service is not requested, the constable or sheriff shall affix an attested
28 copy of the summons conspicuously upon the property.

29 (ii) The affixing of the summons upon the property after due
30 notification to the tenant, assignee, or subtenant by first-class mail shall conclusively
31 be presumed to be a sufficient service to all persons to support the entry of a default
32 judgment for possession of the premises, together with court costs, in favor of the
33 landlord, but it shall not be sufficient service to support a default judgment in favor of
34 the landlord for the amount of rent due.

35 (5) Notwithstanding the provisions of paragraphs (1) through (4) of this
36 subsection, [in Wicomico County,] in an action to repossess any premises under this
37 section, service of process on a tenant may be directed to any person authorized under
38 the Maryland Rules to serve process.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
2 actions to repossess premises filed on or after the effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2000.