

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 1046 (Senator McFadden) (By Request – Baltimore City Administration)
Judicial Proceedings

Real Property - Wrongful Detainer - Hearing Date Specified in Summons

This bill provides that the date specified by the District Court in the summons to appear for a hearing in a wrongful detainer action must be no later than five days after the complaint is filed.

Fiscal Summary

State Effect: The bill would not materially affect the overall caseload of the Judiciary.

Local Effect: Baltimore City could experience some savings in redevelopment expenses on properties it owns.

Small Business Effect: Minimal.

Analysis

Current Law: A person may not hold possession of property unless the person is entitled to do so. If a person other than a tenant holding over violates this provision, a person claiming possession may make a complaint in writing to the District Court of the county where the property is located.

After receiving a complaint for possession, the court must summons the person in possession to appear to show cause, if any, why the court should not grant restitution to the person filing the complaint. If the person in actual possession cannot be found, process may be served by affixing an attested copy conspicuously on the property. If the

notice is sent by first class mail, affixing the summons constitutes sufficient service to support restitution of possession.

If the court determines that the complainant is legally entitled to possession, the court must: (1) give judgment for restitution of the possession of the property to the complainant; and (2) issue a warrant to deliver possession. The court may also give judgment for damages due to the wrongful detainer and for court costs and attorney's fees under specified circumstances. A counterclaim or crossclaim may not be filed in an action for a wrongful detainer.

Decisions may be appealed to the circuit court. If the circuit court's judgment after a hearing is in favor of the landlord, the court must issue a warrant for possession.

Local Expenditures: Baltimore City advises that it owns a number of vacant properties for which there are redevelopment plans, some of which have unauthorized occupants. The city advises that for those properties, expenses related to the redevelopment could increase minimally. If illegal activities are occurring in the properties, costs related to police and fire department responses, as well as any property damage, could also increase.

Additional Information

Prior Introductions: None.

Cross File: HB 1721 (Delegate Marriott) (By Request – Baltimore City Administration) – Rules and Executive Nominations.

Information Source(s): Judiciary (Administrative Office of the Courts), Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - March 20, 2006
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