

# SENATE BILL 125

D1, C8

8lr0598

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By: **Senators Brochin, Madaleno, Pinsky, and Pugh**

Introduced and read first time: January 18, 2008

Assigned to: Judicial Proceedings and Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 21, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Courts – Service of Process – Increase in Sheriff’s Fees – Distribution to**  
3 **Rental Allowance Program Fund**

4 FOR the purpose of increasing certain fees for service of process of certain papers by a  
5 sheriff; requiring that a certain amount of the fees be distributed to a certain  
6 fund established under the Rental Allowance Program of the Department of  
7 Housing and Community Development; establishing the Rental Allowance  
8 Program Fund; providing for the purpose of the Fund; requiring the  
9 Department to administer the Fund; specifying that the State Treasurer shall  
10 hold the Fund separately and the State Comptroller shall account for the Fund;  
11 specifying that the Fund is a special, nonlapsing fund; providing for the  
12 composition of the Fund; specifying that certain earnings shall be paid into the  
13 Fund; specifying that certain proceeds shall be invested and reinvested in a  
14 certain manner; providing that the money in the Fund may be used only for  
15 certain purposes; defining a certain term; and generally relating to the Rental  
16 Allowance Program Fund in the Department of Housing and Community  
17 Development.

18 BY repealing and reenacting, with amendments,  
19 Article – Courts and Judicial Proceedings  
20 Section 7–402  
21 Annotated Code of Maryland  
22 (2006 Replacement Volume and 2007 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article – Housing and Community Development

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Section 4–1401  
Annotated Code of Maryland  
(2006 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,  
Article – Housing and Community Development  
Section 4–1402 through 4–1408  
Annotated Code of Maryland  
(2006 Volume and 2007 Supplement)

BY adding to  
Article – Housing and Community Development  
Section 4–1409  
Annotated Code of Maryland  
(2006 Volume and 2007 Supplement)

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

**Article – Courts and Judicial Proceedings**

7–402.

(a) Except as provided in subsections (b) and (e) of this section, a sheriff shall collect the following fees:

(1) \$5 for service of summary ejectment papers.

(2) ~~[\$40]~~ **\$50** for service of a paper not including an execution or attachment.

(3) ~~[\$40]~~ **\$50** for service including an execution or attachment by taking into custody a person or seizing real or personal property.

(4) ~~[\$40]~~ **\$50** for service of process papers arising out of administrative agency proceedings where the party requesting the service is a nongovernmental entity.

(5) For the sale following the execution or attachment of personal property: Three percent of the first \$5,000; two percent of the second \$5,000; and one percent of any amount in excess of \$10,000. The sheriff shall collect a minimum of \$15 and a maximum of \$500 under the provisions of this paragraph.

(6) For the sale following the execution or attachment of real property: One and one-half percent of the first \$5,000; one percent of the second \$5,000; and one-half of one percent of any amount in excess of \$10,000. The sheriff shall collect a minimum of \$1.50 and a maximum of \$250 under the provisions of this paragraph.

(7) [~~\$60~~] **\$70** for service of a paper originating from a foreign court.

(b) (1) For service including an execution or attachment by taking into custody a person or seizing real or personal property, a sheriff may collect the amount specified in a cooperative agreement with the Child Support Enforcement Administration under § 10–111 of the Family Law Article.

(2) As part of the costs awarded to a party under § 12–103 of the Family Law Article, a court may not award an amount greater than the amount specified in subsection (a) of this section for the cost of service including an execution or attachment by taking into custody a person or seizing real or personal property.

(c) (1) If the sheriff incurs expenses for the purpose of conserving or protecting the seized property, the sheriff shall be reimbursed for the expense.

(2) If the Sheriff of Washington County incurs expenses for seizing property, the Sheriff shall be reimbursed by the judgment debtor for reasonable expenses.

(d) (1) Except as provided in paragraph (2) of this subsection, if the sheriff is unable to serve a paper, 50% of the fee shall be refunded to the party requesting the service.

(2) If the sheriff is unable to serve summary ejectment papers, the full fee shall be refunded to the party requesting the service.

(e) A sheriff may not collect a fee for the service of:

(1) A paper from a housing authority created under Division II of the Housing and Community Development Article; or

(2) A summons for a law enforcement officer to appear as a witness in a criminal case.

**(F) TEN DOLLARS OF EACH FEE COLLECTED UNDER SUBSECTION (A)(2), (3), (4), AND (7) OF THIS SECTION SHALL BE DISTRIBUTED TO THE FUND ESTABLISHED UNDER § 4–1409 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE AND USED TO FUND THE RENTAL ALLOWANCE PROGRAM UNDER TITLE 4, SUBTITLE 14 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

## **Article – Housing and Community Development**

4–1401.

(A) In this subtitle[,] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) **“FUND” MEANS THE RENTAL ALLOWANCE PROGRAM FUND.**

(C) “Program” means the Rental Allowance Program.

4–1402.

There is a Rental Allowance Program.

4–1403.

The Department shall administer a program of financial assistance to lower income households by providing fixed monthly rental allowance payments to or on behalf of eligible lower income households.

4–1404.

Except as provided in § 4–1408(b) of this subtitle, the Department shall administer the Program:

(1) in conjunction with political subdivisions or through their local housing agencies or departments; and

(2) in consultation with the Department of Human Resources.

4–1405.

The Secretary shall establish:

(1) income limits for eligibility of lower income households not exceeding 30% of the State or area median income, whichever is higher;

(2) the maximum time to provide allowances to a specific household not exceeding 12 consecutive months, except when the Secretary determines that undue hardship will result if assistance is ended;

(3) by household size, the maximum total rent for an assisted unit, the size of an assisted unit, and the amount of the monthly rental allowance payments, taking into account:

(i) regional variation in the State;

(ii) expected average annual recipient income by household size;

(iii) typical rental costs; and

- 1 (iv) any other factor related to income or rental costs;
- 2 (4) minimum standards for eligible dwelling units; and
- 3 (5) a method of selecting locations to implement the Program that
- 4 ensures the distribution of money among the various regions of the State.
- 5 4–1406.

6 Rental allowance payments may be given only to or on behalf of:

- 7 (1) a homeless individual who:
- 8 (i) does not have permanent housing;
- 9 (ii) lacks the resources to secure permanent housing;
- 10 (iii) cannot be served by a federal or more cost effective State
- 11 housing assistance program; and
- 12 (iv) can maintain independent living quarters; or
- 13 (2) an eligible household with critical and emergency housing needs
- 14 that cannot be served by a federal or more cost effective State housing assistance
- 15 program.

16 4–1407.

17 A rental allowance payment for an eligible dwelling unit may be applied only to

18 payment of:

- 19 (1) monthly rent; or
- 20 (2) a required security deposit.

21 4–1408.

22 (a) In awarding rental allowance grants to a political subdivision, the

23 Department shall take into account:

- 24 (1) the number of eligible households in the political subdivision;
- 25 (2) the availability of suitable housing stock in the political
- 26 subdivision for the population that the political subdivision proposes to serve;
- 27 (3) the willingness of the political subdivision to contribute
- 28 administrative costs; and

(4) other factors that the Department considers relevant.

(b) The Department may keep up to 25% of the money provided for the Program to be used for rental allowance payments to eligible households on a statewide basis, including payments for critical emergency housing needs.

**4-1409.**

**(A) THERE IS A RENTAL ALLOWANCE PROGRAM FUND.**

**(B) THE PURPOSE OF THE FUND IS TO PROVIDE MONEY TO CARRY OUT THE PROGRAM.**

**(C) (1) THE DEPARTMENT SHALL ADMINISTER THE FUND.**

**(2) THE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

**(D) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO REVERSION UNDER § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

**(E) (1) THE FUND CONSISTS OF:**

**(I) MONEY APPROPRIATED IN THE STATE BUDGET FOR THE PROGRAM;**

**(II) \$10 OF EACH FEE COLLECTED UNDER § 7-402(A)(2), (3), (4), AND (7) OF THE COURTS ARTICLE; AND**

**(III) ANY OTHER MONEY ACCEPTED FOR THE BENEFIT OF THE FUND FROM ANY OTHER SOURCE.**

**(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO THE FUND.**

**(F) THE PROCEEDS OF THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

**(G) MONEY IN THE FUND MAY BE SPENT ONLY:**

**(1) TO CARRY OUT THE PURPOSES OF THIS SUBTITLE; AND**

1                   (2)    IN ACCORDANCE WITH AN APPROPRIATION APPROVED BY THE  
2   GENERAL ASSEMBLY IN THE STATE BUDGET.

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4   October 1, 2008.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.