

# SENATE BILL 413

D1, C8  
SB 125/08 – JPR & EHE

2lr2284

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By: **Senators Brochin, Madaleno, and Raskin**

Introduced and read first time: February 1, 2012

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

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## A BILL ENTITLED

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 for 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 2011 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article – Housing and Community Development  
25 Section 4–1401  
26 Annotated Code of Maryland  
27 (2006 Volume and 2011 Supplement)

28 BY repealing and reenacting, without amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Housing and Community Development  
2 Section 4–1403  
3 Annotated Code of Maryland  
4 (2006 Volume and 2011 Supplement)

5 BY adding to  
6 Article – Housing and Community Development  
7 Section 4–1407  
8 Annotated Code of Maryland  
9 (2006 Volume and 2011 Supplement)

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

12 **Article – Courts and Judicial Proceedings**

13 7–402.

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

16 (1) \$5 for service of summary ejectment papers.

17 (2) ~~[\$40]~~ **\$50** for service of a paper not including an execution or  
18 attachment.

19 (3) ~~[\$40]~~ **\$50** for service including an execution or attachment by  
20 taking into custody a person or seizing real or personal property.

21 (4) ~~[\$40]~~ **\$50** for service of process papers arising out of  
22 administrative agency proceedings where the party requesting the service is a  
23 nongovernmental entity.

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

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

32 (7) ~~[\$60]~~ **\$70** for service of a paper originating from a foreign court.

33 (b) (1) For service including an execution or attachment by taking into  
34 custody a person or seizing real or personal property, a sheriff may collect the amount

1 specified in a cooperative agreement with the Child Support Enforcement  
2 Administration under § 10–111 of the Family Law Article.

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

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

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

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

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

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

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

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

22 **(F) OF EACH FEE COLLECTED UNDER SUBSECTION (A)(2), (3), (4), AND**  
23 **(7) OF THIS SECTION \$10 SHALL BE DISTRIBUTED TO THE FUND ESTABLISHED**  
24 **UNDER § 4–1407 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE**  
25 **AND USED TO FUND THE RENTAL ALLOWANCE PROGRAM ESTABLISHED UNDER**  
26 **§ 4–1403 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

## 27 Article – Housing and Community Development

28 4–1401.

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

31 **(B) “FUND” MEANS THE RENTAL ALLOWANCE PROGRAM FUND**  
32 **ESTABLISHED UNDER § 4–1407 OF THIS SUBTITLE.**

1           (C) “Programs” mean rental assistance programs other than the Rental  
2 Allowance Program established under § 4–1403 of this subtitle.

3 4–1403.

4           (a) The Department shall administer the Rental Allowance Program to assist  
5 low-income households that are homeless or at risk of being homeless by providing  
6 housing assistance payments to or on behalf of eligible households.

7           (b) The Secretary shall establish:

8                   (1) income limits for eligibility of low-income households not  
9 exceeding 30% of the State or area median income, whichever is higher; and

10                   (2) minimum standards for eligible dwelling units.

11           (c) The Secretary shall establish the amount of payments made through the  
12 Rental Allowance Program, taking into account factors identified in § 4–1405(d) of this  
13 subtitle.

14           (d) Eligible uses of payments may include rent, security deposits, utilities,  
15 and other housing-related expenses.

16           (e) The Department may administer the Rental Allowance Program by  
17 providing monthly housing assistance payments to or on behalf of eligible households  
18 directly or through political subdivisions, their local housing agencies or departments,  
19 or nonprofit organizations.

20           (f) Funds appropriated to serve low-income households through the Rental  
21 Allowance Program may not be used for other programs authorized under this  
22 subtitle.

23           (g) The Department may adopt regulations to carry out the Rental Allowance  
24 Program, including time frames for assistance and other criteria the Secretary  
25 considers appropriate.

26 **4–1407.**

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

28           **(B) THE PURPOSE OF THE FUND IS TO PROVIDE MONEY TO CARRY OUT**  
29 **THE RENTAL ALLOWANCE PROGRAM ESTABLISHED UNDER § 4–1403 OF THIS**  
30 **SUBTITLE.**

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

1           **(2) THE STATE TREASURER SHALL HOLD THE FUND AND THE**  
2 **COMPROLLER SHALL ACCOUNT FOR THE FUND.**

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

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

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

9                           **(II) MONEY REQUIRED TO BE DISTRIBUTED TO THE FUND**  
10 **UNDER § 7-402(F) OF THE COURTS ARTICLE; AND**

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

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

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

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

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

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

21           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2012.