

HOUSE BILL 192

C8, D1

3lr1886
CF SB 156

By: **Delegates Mitchell, Anderson, Branch, Bromwell, Carter, Clippinger,
McHale, Vaughn, M. Washington, and Wilson**

Introduced and read first time: January 21, 2013

Assigned to: Environmental Matters

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; adding the Fund to a certain list of funds the interest earnings
16 of which are exempt from accruing to the General Fund of the State; defining a
17 certain term; and generally relating to the Rental Allowance Program Fund in
18 the Department of Housing and Community Development.

19 BY repealing and reenacting, with amendments,
20 Article – Courts and Judicial Proceedings
21 Section 7–402
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2012 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Housing and Community Development
26 Section 4–1401
27 Annotated Code of Maryland
28 (2006 Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Housing and Community Development
3 Section 4–1403
4 Annotated Code of Maryland
5 (2006 Volume and 2012 Supplement)

6 BY adding to
7 Article – Housing and Community Development
8 Section 4–1407
9 Annotated Code of Maryland
10 (2006 Volume and 2012 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – State Finance and Procurement
13 Section 6–226(a)(2)(ii)69. and 70.
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2012 Supplement)

16 BY adding to
17 Article – State Finance and Procurement
18 Section 6–226(a)(2)(ii)71.
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2012 Supplement)

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

23 **Article – Courts and Judicial Proceedings**

24 7–402.

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

27 (1) \$5 for service of summary ejectment papers.

28 (2) ~~[\$40]~~ **\$50** for service of a paper not including an execution or
29 attachment.

30 (3) ~~[\$40]~~ **\$50** for service including an execution or attachment by
31 taking into custody a person or seizing real or personal property.

32 (4) ~~[\$40]~~ **\$50** for service of process papers arising out of
33 administrative agency proceedings where the party requesting the service is a
34 nongovernmental entity.

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

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

9 (7) [~~\$60~~] **\$70** for service of a paper originating from a foreign court.

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

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

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

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

23 (d) (1) Except as provided in paragraph (2) of this subsection, if the sheriff
24 is unable to serve a paper, 50% of the fee **REMAINING AFTER DISTRIBUTION TO THE**
25 **FUND IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION** shall be refunded
26 to the party requesting the service.

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

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

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

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

34 **(F) OF EACH FEE COLLECTED UNDER SUBSECTION (A)(2), (3), (4), AND**
35 **(7) OF THIS SECTION, \$10 SHALL BE DISTRIBUTED TO THE FUND ESTABLISHED**

1 UNDER § 4-1407 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE
2 AND USED TO FUND THE RENTAL ALLOWANCE PROGRAM ESTABLISHED UNDER
3 § 4-1403 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

4 **Article – Housing and Community Development**

5 4-1401.

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

8 (B) “FUND” MEANS THE RENTAL ALLOWANCE PROGRAM FUND
9 ESTABLISHED UNDER § 4-1407 OF THIS SUBTITLE.

10 (C) “Programs” means rental assistance programs other than the Rental
11 Allowance Program established under § 4-1403 of this subtitle.

12 4-1403.

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

16 (b) The Secretary shall establish:

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

19 (2) minimum standards for eligible dwelling units.

20 (c) The Secretary shall establish the amount of payments made through the
21 Rental Allowance Program, taking into account factors identified in § 4-1405(d) of this
22 subtitle.

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

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

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

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

4 **4-1407.**

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

6 (B) **THE PURPOSE OF THE FUND IS TO PROVIDE MONEY TO CARRY OUT**
7 **THE RENTAL ALLOWANCE PROGRAM ESTABLISHED UNDER § 4-1403 OF THIS**
8 **SUBTITLE.**

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

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

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

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

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

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

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

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

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

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

27 (1) **TO CARRY OUT THE PURPOSES OF THE RENTAL ALLOWANCE**
28 **PROGRAM; AND**

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

1 **Article – State Finance and Procurement**

2 6–226.

3 (a) (2) (ii) The provisions of subparagraph (i) of this paragraph do not
4 apply to the following funds:

5 69. the Maryland Legal Services Corporation Fund; [and]

6 70. Mortgage Loan Servicing Practices Settlement Fund;

7 **AND**

8 **71. RENTAL ALLOWANCE PROGRAM FUND.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2013.