

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 890 (St. Mary's County Delegation)
Environment and Transportation

Judicial Proceedings

St. Mary's County - Local Landlord and Tenant Law - Repeal

This bill repeals a provision in the public local laws of St. Mary's County that has been superseded by a provision of State law related to the return of seized goods to a tenant in an action of distress for rent.

Fiscal Summary

State Effect: The bill does not impact the operations or finances of the District Court.

Local Effect: The does not impact the operations or finances of St. Mary's County.

Small Business Effect: None.

Analysis

Current Law: In St. Mary's County, when property seized for nonpayment of rent is being held by a constable (the sheriff) or an agent of the landlord, the tenant must go before the District Court to request the return of the property. The tenant must consent to the judgment of the court in favor of the landlord and file a bond with the court for a specified amount. Once the court is satisfied with the sufficiency of the bond, the court must issue an order to the sheriff, landlord, or agent of the landlord to release the property.

Distress for Rent in Maryland

Generally, in an action of distress for rent, on a determination of reasonable probability, the District Court must quickly issue an order that all goods on the leased property be

seized, with specified exceptions. The officer making the seizure must follow specified service of process requirements, and take an inventory of the property.

Bond for Return of Levied Goods

Any person whose goods have been seized may petition the court for the return of the goods. However, the court may require the person to file a bond with the court in a form and in an amount the court determines. The bond must run to the State and indemnify the landlord and any other injured person against all claims for damages as a result of the release of the property. The court may also order a complete or partial release of any property after receiving a written request from all parties to the action of distress. If such a request is submitted, no bond is required for release of the property specified in the request.

Background: The Administrative Office of the Courts advises that, in 2015, there were no actions of distress for rent filed and, therefore, no orders of levy issued in St. Mary's County.

Additional Information

Prior Introductions: None.

Cross File: SB 996 (Senator Waugh) - Judicial Proceedings.

Information Source(s): St. Mary's County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2016
md/kdm

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