

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
Third Reader

Senate Bill 226

(Senator Norman, *et al.*)

Judicial Proceedings

Judiciary

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**Real Property - Wrongful Detainer and Distress Actions - Trial by Jury**

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This bill clarifies the authorization and procedures for demanding a jury trial in a wrongful detainer or distress for rent action brought in the District Court.

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State finances or operations.

**Local Effect:** The bill is not anticipated to materially affect local finances or operations.

**Small Business Effect:** None.

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**Analysis**

**Current Law:**

*Distress for Rent*

Generally, an action of distress for rent means to file suit to collect unpaid rent. The action may be brought only for unpaid rent under a written lease for a term of more than three months, or under a tenancy at will or a periodic tenancy that has continued more than three months. The complaint must be filed in the District Court in the county where the leased premises is located, regardless of the amount of rent due. Once the court receives a complaint, the clerk must summon the defendant, with specified notice, to show why the court should not order that all goods on the leased premises be seized for nonpayment of rent.

### *Wrongful Detainer*

“Wrongful detainer” means to hold possession of real property without the right to do so. If a person holds possession of a property to which he or she is not entitled, a person claiming possession may file a complaint, in writing, with the District Court of the county in which the property is located. Once the court receives a complaint, the court must summon the person in possession of the property, with specified notice, to show why the court should not restore possession of the property to the person who filed the complaint (the plaintiff).

### *Jury Trials*

Generally, a party is entitled to a jury trial when the amount in controversy exceeds \$15,000 and the filing of the demand for a jury trial meets other specified requirements. Statute does not contain an explicit authorization for either party in a wrongful detainer action or an action of distress for rent to demand a jury trial. However, statute specifies that any party to an action brought in the District Court under Title 8 of the Real Property Article (Landlord and Tenant) may demand a trial by jury if the amount in controversy meets the requirements for a trial by jury. This includes an action of distress for rent.

Additionally, statute does specify that, when a party in a wrongful detainer action demands a jury trial, the District Court must immediately enter an order directing the person or entity in possession of the property to pay the monthly fair rental value of the property that is subject to the action, or any other amount the court may determine to be appropriate. The order must require the amount determined by the court to be paid within five days of the date of the order.

**Background:** The Administrative Office of the Courts advises that, in fiscal 2017, 2,768 wrongful detainer actions and 24 actions of distress for rent were filed in the District Court.

Prior to 2010, provisions related to a wrongful detainer action were codified under Title 8 of the Real Property Article. Thus, the general authorization under Title 8 to demand a trial by jury if the amount in controversy meets the requirements for a trial by jury would have applied. Chapters 558 and 559 of 2010 recodified and transferred those provisions to Title 14 (Miscellaneous Rules).

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - January 29, 2018  
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