

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 797 (Delegate Boyce, *et al.*)
 Judiciary

State Court Administrator - Warrants of Restitution and Writs of Possession -
 Data Collection and Reporting

This bill requires the State Court Administrator to collect and publish specified information relating to each warrant of restitution or writ of possession issued in accordance with a judgment for possession entered under specified provisions of the Real Property Article. **The bill takes effect January 1, 2021.**

Fiscal Summary

State Effect: General fund expenditures increase by a minimum of \$171,700 in FY 2021. Future years reflect annualization and ongoing costs. Revenues are not affected.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	171,700	103,000	105,200	108,900	112,700
Net Effect	(\$171,700)	(\$103,000)	(\$105,200)	(\$108,900)	(\$112,700)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to materially affect the workload of the sheriff's offices.

Small Business Effect: None.

Analysis

Bill Summary: The State Court Administrator must collect, maintain, and provide access for inspection to a report of specified information related to each warrant of restitution or writ of possession issued in accordance with a judgment for possession. By July 1, 2021,

and quarterly thereafter, the information must be published on a website accessible to the public. The required information is (1) the address of the subject premises; (2) whether the premises was used for residential purposes; (3) the date of execution of the warrant or writ; (4) whether a tenant or an occupant was present at the time the warrant or writ was executed; and (5) the type of action from which the warrant or writ was issued.

Current Law/Background: Statutory provisions set forth a process by which individuals may obtain a judgment for possession of real property. For example, pursuant to § 8-401 of the Real Property Article, a landlord may initiate an action in the District Court to repossess property from a tenant. Generally, if the judgment is in favor of the landlord and the tenant cannot redeem the judgment by taking certain actions (*e.g.*, paying past-due rent and late fees), if applicable, a warrant of restitution is ordered and executed, as specified. In fiscal 2019, there were 232,680 petitions for warrants of restitution filed in the District Court; 21,752 evictions occurred based on these warrants.

State Expenditures: General fund expenditures increase by a minimum of \$171,658 in fiscal 2021, which accounts for the bill’s January 1, 2021 effective date. The estimate reflects the cost of hiring three part-time (full-time equivalent of 1.5) District Court Clerks to perform the data entry necessary to generate the required quarterly reports and one-time programming costs. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	1.5
Salaries and Fringe Benefits	\$52,648
Programming Costs	108,754
Operating Expenses	<u>10,256</u>
Minimum FY 2021 State Expenditures	\$171,658

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses, in addition to the elimination of one-time programming costs.

The Department of Legislative Services notes that the above estimate reflects staffing costs only for the three jurisdictions with the highest volume of these types of cases (Baltimore City and Baltimore and Prince George’s counties). It is assumed that each of these jurisdictions require *at least* one part-time clerk to absorb the new tasks. Other jurisdictions may also require additional clerical support, but these needs cannot be reliably estimated beforehand without actual experience under the bill.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 544 (Senator Young) - Judicial Proceedings.

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

Fiscal Note History: First Reader - February 17, 2020
rh/lgc

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