

HOUSE BILL 31

D1

1lr1370

(PRE-FILED)

By: **Delegate Clippinger**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Surcharges and Payment to Rental Assistance Programs**

3 FOR the purpose of increasing certain surcharges on certain fees, charges, and costs in
4 certain civil cases in the circuit courts and the District Court; requiring that certain
5 surcharges collected be equally deposited into the Maryland Legal Services
6 Corporation Fund and directed to certain rental assistance programs in the State;
7 prohibiting a certain surcharge from being passed on to a tenant in certain civil
8 proceedings; and generally relating to surcharges and payment to rental assistance
9 programs.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 7–202(d) and 7–301(c)
13 Annotated Code of Maryland
14 (2020 Replacement Volume)

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

17 **Article – Courts and Judicial Proceedings**

18 7–202.

19 (d) The State Court Administrator, as part of the Administrator’s determination
20 of the amount of court costs and charges in civil cases, shall assess a surcharge that:

21 (1) May not be more than [~~\$55~~] **\$85** per case; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Shall be **EQUALLY** deposited into the Maryland Legal Services
2 Corporation Fund established under § 11-402 of the Human Services Article **AND**
3 **DIRECTED TOWARD RENTAL ASSISTANCE PROGRAMS IN THE STATE.**

4 7-301.

5 (c) (1) The filing fees and costs in a civil case are those prescribed by law
6 subject to modification by law, rule, or administrative regulation.

7 (2) The Chief Judge of the District Court shall assess a surcharge that:

8 (i) May not be more than:

- 9 1. ~~[\$8]~~ **\$68** per summary ejectment case; and
- 10 2. \$18 per case for all other civil cases; and

11 (ii) Shall be ~~[deposited]~~ **EQUALLY:**

12 1. **DEPOSITED** into the Maryland Legal Services
13 Corporation Fund established under § 11-402 of the Human Services Article; **AND**

14 2. **DIRECTED TOWARD RENTAL ASSISTANCE PROGRAMS**
15 **IN THE STATE.**

16 (3) (i) In addition to the surcharge assessed under paragraph (2) of this
17 subsection, the Chief Judge of the District Court shall assess a surcharge that may not be
18 more than \$10 per case for the following cases filed in Baltimore City:

- 19 1. Summary ejectment;
- 20 2. Tenant holding over;
- 21 3. Breach of lease; and
- 22 4. Warrant of restitution.

23 (ii) The revenue generated from the surcharge on filing fees collected
24 by the District Court in Baltimore City under subparagraph (i) of this paragraph shall be:

- 25 1. Remitted quarterly to the Baltimore City Director of
26 Finance; and
- 27 2. Used to fund the enhancement of sheriff benefits and the
28 increase in sheriff personnel to enhance the service of domestic violence orders.

1 (4) In addition to the surcharge assessed under paragraphs (2) and (3) of
2 this subsection, the Chief Judge of the District Court shall assess a surcharge that:

3 (i) May not be more than:

4 1. \$3 per summary ejectment case; and

5 2. \$8 per case for all other civil cases; and

6 (ii) Shall be deposited into the Circuit Court Real Property Records
7 Improvement Fund established under § 13–602 of this article.

8 **(5) THE SURCHARGE FOR A SUMMARY EJECTMENT CASE UNDER §**
9 **8–401 OF THE REAL PROPERTY ARTICLE MAY NOT BE PASSED ON TO A TENANT BY**
10 **THE COURT OR BY A LANDLORD.**

11 ~~[(5)]~~ **(6)** The Court of Appeals may provide by rule for waiver of
12 prepayment of filing fees and other costs in cases of indigency.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2021.