

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 347 (Senator Beidle, *et al.*)  
Judicial Proceedings

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**Anne Arundel County - Landlord and Tenant - Procedures for Failure to Pay Rent**

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This emergency bill alters the procedures for enforcing an action for repossession for failure to pay rent in Anne Arundel County. The bill specifies that nothing in it restricts the authority of Anne Arundel County to enact legislation governing landlords and tenants, including legislation establishing penalties for a violation of the bill's provisions. The bill applies prospectively and may not be applied to any cause of action for repossession for failure to pay rent brought in Anne Arundel County arising before the bill's effective date.

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**Fiscal Summary**

**State Effect:** The bill does not materially affect State finances or operations.

**Local Effect:** The bill does not materially affect Anne Arundel County finances or operations.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** In Anne Arundel County, subject to specified limitations, when judgment is entered in favor of the landlord, the landlord, the landlord's duly qualified agent, or the landlord's attorney must, at least 14 days before the intended date of repossession as set by the sheriff, provide written notice to the tenant of the scheduled date on which the warrant of restitution is to be executed. The notice must be (1) sent by certified first-class mail and (2) posted on the front door of the leased premises. The required notice must include:

- the District Court summary ejectment case number;
- the tenant's name as stated in the summary ejectment case;

- the address of the leased premises;
- the date on which the warrant of restitution was ordered by the District Court;
- the date of the eviction;
- a statement that the repossession may occur unless the tenant (1) returns possession of the leased premises to the landlord or (2) exercises the specified right to redemption, if available;
- a statement that, if the repossession occurs, all property remaining in the leased premises will be considered abandoned and may be disposed of on execution of the warrant of restitution; and
- a statement that the notice is the final notice to the tenant of the intended repossession, even if the repossession is stayed due to extreme weather conditions.

There is a rebuttable presumption that the tenant was notified as required if the landlord provides (1) the certificate of mailing and (2) a signed affidavit of the person who posted the notice on the front door of the leased premises. However, if the sheriff *reasonably believes* that the landlord has *not* provided the required notice, the sheriff (1) must notify the District Court and (2) may not execute the warrant of restitution without further order of the District Court. If the District Court finds that the landlord did not provide the required notice, the District Court must vacate the warrant of restitution.

If the landlord presents the certificate of mailing and a signed affidavit of the person who posted the notice on the leased premises, any official of the county entitled to serve process may execute the warrant by putting the landlord, the landlord's duly qualified agent, or the landlord's attorney in possession of the premises, *without* removal of any personal property from the premises.

A tenant must have 24 hours following the execution of a warrant of restitution to recover personal property from the premises. Any personal property remaining in or about the leased premises following the 24 hour recovery period must be deemed abandoned. The landlord or any person acting on the landlord's behalf may not be liable for any loss or damage to property deemed abandoned, and the landlord may dispose of abandoned property by (1) transportation to a licensed landfill or solid waste facility; (2) donation to charity; or (3) any other legal means. Property deemed abandoned under the bill may not be placed in a public right-of-way or on any public property.

**Current Law:** In general, a landlord seeking to evict a tenant must file the appropriate action (*e.g.*, failure to pay rent, breach of lease, *etc.*) in the District Court. If awarded a judgment by the court, the landlord files a warrant of restitution, which, once reviewed and signed by the court, authorizes an eviction. The warrants of restitution are forwarded to the local sheriff's office who is then authorized to carry out the evictions. Statute sets forth numerous specific requirements for such actions, including those related to written notice

prior to filing certain actions. This includes specific requirements for written notice prior to initiating a failure to pay rent action.

In failure to pay rent actions, if judgment is in favor of the landlord and the tenant does not return the premises to the landlord or otherwise satisfy the judgment by paying the applicable rent and late fees within 4 days, as specified, the court must, at any time after 4 days have elapsed, issue a warrant of restitution. The court may, upon presentation of a certificate signed by a physician certifying that surrendering the property within the 4-day period would endanger the health or life of the tenant or other occupant, extend the time for surrender of the premises as justice may require up to 15 days. Statutory provisions also authorize stays of execution in other specified circumstances, such as in the event of extreme weather conditions.

If the landlord does not order a warrant of restitution within 60 days from either the date of judgment or the expiration date of any stay of execution (whichever is later), then (1) the judgment for possession must be stricken and (2) the judgment must generally count toward the threshold for the number of judgments at which a tenant no longer has the right to redemption of the leased premises, as specified.

A tenant has the right to redemption of the leased premises by tendering in cash, certified check, or money order to the landlord or the landlord's agent all past due amounts, as determined by the court, plus all court awarded costs and fees, at any time before actual execution of the eviction order. This right of redemption does not apply to any tenant against whom three judgments of possession have been entered for rent due and unpaid in the 12 months prior to the initiation of the action, as specified.

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### **Additional Information**

**Prior Introductions:** SB 328 of 2021, a similar bill, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

**Designated Cross File:** None.

**Information Source(s):** Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - February 7, 2022  
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