

# HOUSE BILL 252

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(PRE-FILED)

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By: **Delegate Conaway**

Requested: June 26, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Actions for Wrongful Detainer – Required Postings**

3 FOR the purpose of providing that certain provisions of law pertaining to wrongful detainer  
4 actions do not apply unless certain property is posted conspicuously against trespass  
5 or loitering; and generally relating to actions for wrongful detainer.

6 BY repealing and reenacting, with amendments,

7 Article – Real Property

8 Section 14–132

9 Annotated Code of Maryland

10 (2023 Replacement Volume and 2024 Supplement)

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

13 **Article – Real Property**

14 14–132.

15 (a) In this section, “wrongful detainer” means to hold possession of real property  
16 without the right of possession.

17 (b) This section does not apply [if]:

18 **(1) IF:**

19 [(1)] **(I)** The person in actual possession of the property has been granted  
20 possession under a court order;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1            ~~[(2)]~~ (II) A remedy is available under Title 8 of this article; or

2            ~~[(3)]~~ (III) Any other exclusive means to recover possession is provided by  
3 statute or rule; OR

4            **(2) UNLESS THE PROPERTY IS POSTED CONSPICUOUSLY AGAINST**  
5 **TRESPASS OR LOITERING.**

6            (c) A person may not hold possession of property unless the person is entitled to  
7 possession of the property under the law.

8            (d) (1) If a person violates subsection (c) of this section, a person claiming  
9 possession may make complaint in writing to the District Court of the county in which the  
10 property is located.

11            (2) On receipt of a complaint under paragraph (1) of this subsection, the  
12 court shall summons immediately the person in possession to appear before the court on  
13 the day specified in the summons to show cause, if any, why restitution of the possession of  
14 the property to the person filing the complaint should not be made.

15            (3) If, for any reason, the person in actual possession cannot be found, the  
16 person authorized to serve process by the Maryland Rules shall affix an attested copy of  
17 the summons conspicuously on the property.

18            (4) If notice of the summons is sent to the person in possession by  
19 first-class mail, the affixing of the summons in accordance with paragraph (3) of this  
20 subsection shall constitute sufficient service to support restitution of possession.

21            (e) A counterclaim or cross-claim may not be filed in an action brought under this  
22 section.

23            (f) (1) If the court determines that the complainant is legally entitled to  
24 possession, the court shall:

25                    (i) Give judgment for restitution of the possession of the property to  
26 the complainant; and

27                    (ii) Issue its warrant to the sheriff or constable commanding the  
28 sheriff or constable to deliver possession to the complainant.

29            (2) The court may also give judgment in favor of the complainant for  
30 damages due to the wrongful detainer and for court costs and attorney fees if:

31                    (i) The complainant claimed damages in the complaint; and

32                    (ii) The court finds that:

1                   1.     The person in actual possession was personally served  
2 with the summons; or

3                   2.     There was service of process or submission to the  
4 jurisdiction of the court as would support a judgment in contract or tort.

5                   (3)    A person in actual possession who is not personally served with a  
6 summons is not subject to the personal jurisdiction of the District Court if the person  
7 appears in response to the summons and prior to the time that evidence is taken by the  
8 court and asserts that the appearance is only for the purpose of defending an in rem action.

9                   (g)    Subject to § 8–118.1 of this article, a party to a wrongful detainer action  
10 brought in the District Court under this section may demand a trial by jury in accordance  
11 with Title 8, Subtitle 6 of this article.

12                  (h)    (1)    Not later than 10 days from the entry of the judgment of the District  
13 Court, either party may appeal to the circuit court for the county in which the property is  
14 located.

15                  (2)    The person in actual possession of the property may retain possession  
16 until the determination of the appeal if the person:

17                         (i)    Files with the court an affidavit that the appeal is not taken for  
18 delay; and

19                         (ii)   1.    Files sufficient bond with one or more securities  
20 conditioned on diligent prosecution of the appeal; or

21                                 2.    Pays to the complainant or into the appellate court:

22                                     A.    The fair rental value of the property for the entire period  
23 of possession up to the date of judgment;

24                                     B.    All court costs in the case;

25                                     C.    All losses or damages other than the fair rental value of  
26 the property up to the day of judgment that the court determined to be due because of the  
27 detention of possession; and

28                                     D.    The fair rental value of the property during the pendency  
29 of the appeal.

30                   (3)    On application of either party, the court shall set a hearing date for the  
31 appeal that is not less than 5 days or more than 15 days after the application for appeal.

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1                   (4) Notice of the order for a hearing shall be served on the parties or the  
2 parties' counsels not less than 5 days before the hearing.

3                   (i) If the judgment of the circuit court shall be in favor of the person claiming  
4 possession, a warrant shall be issued by the court to the sheriff, who shall proceed  
5 immediately to execute the warrant.

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2025.