

HOUSE BILL 1531

N1, D2

5lr3549

By: **Delegates Simmons and Pruski**

Introduced and read first time: February 23, 2025

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Actions to Repossess for Failure to Pay Rent – Summons**

3 FOR the purpose of requiring the District Court for Anne Arundel County in an action to
4 repossess for failure to pay rent to send a copy of the court’s summons to the
5 defendant by first-class mail and for the summons to be served on the tenant,
6 assignee, or subtenant by a private process server retained by the landlord;
7 prohibiting the court from directing its summons to a constable or sheriff of the
8 county; and generally relating to actions to repossess for failure to pay rent in Anne
9 Arundel County.

10 BY repealing and reenacting, with amendments,
11 Article – Real Property
12 Section 8–401(b)
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2024 Supplement)

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

17 **Article – Real Property**

18 8–401.

19 (b) (1) Whenever any landlord shall desire to repossess any premises to which
20 the landlord is entitled under the provisions of subsection (a) of this section, the landlord
21 or the landlord’s duly qualified agent or attorney shall ensure that the landlord has
22 completed the procedures required under subsection (c) of this section.

23 (2) Subject to § 8–406 of this subtitle and after completing the procedures
24 required under subsection (c) of this section, a landlord or the landlord’s duly qualified

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 agent or attorney may file the landlord's written complaint under oath or affirmation, in
2 the District Court of the county wherein the property is situated:

3 (i) Describing in general terms the property sought to be
4 repossessed;

5 (ii) Setting forth the name of each tenant to whom the property is
6 rented or any assignee or subtenant;

7 (iii) Stating the amount of rent and any late fees due and unpaid, less
8 the amount of any utility bills, fees, or security deposits paid by a tenant under § 7-309 of
9 the Public Utilities Article;

10 (iv) Requesting to repossess the premises and, if requested by the
11 landlord, a judgment for the amount of rent due, costs, and any late fees, less the amount
12 of any utility bills, fees, or security deposits paid by a tenant under § 7-309 of the Public
13 Utilities Article;

14 (v) If applicable, stating that, to the best of the landlord's knowledge,
15 the tenant is deceased, intestate, and without next of kin; and

16 (vi) If the property to be repossessed is an affected property as
17 defined in § 6-801 of the Environment Article, stating that the landlord has registered the
18 affected property as required under § 6-811 of the Environment Article and renewed the
19 registration as required under § 6-812 of the Environment Article and:

20 1. A. If the current tenant moved into the property on or
21 after February 24, 1996, stating the inspection certificate number for the inspection
22 conducted for the current tenancy as required under § 6-815(c) of the Environment Article;
23 or

24 B. On or after February 24, 2006, stating the inspection
25 certificate number for the inspection conducted for the current tenancy as required under
26 § 6-815(c), § 6-817(b), or § 6-819(f) of the Environment Article; or

27 2. Stating that the owner is unable to provide an inspection
28 certificate number because:

29 A. The owner has requested that the tenant allow the owner
30 access to the property to perform the work required under Title 6, Subtitle 8 of the
31 Environment Article;

32 B. The owner has offered to relocate the tenant in order to
33 allow the owner to perform work if the work will disturb the paint on the interior surfaces
34 of the property and to pay the reasonable expenses the tenant would incur directly related
35 to the relocation; and

1 C. The tenant has refused to allow access to the owner or
2 refused to vacate the property in order for the owner to perform the required work.

3 (3) For the purpose of the court's determination under subsection (e) of this
4 section the landlord shall also specify the amount of rent due for each rental period under
5 the lease, the day that the rent is due for each rental period, and any late fees for overdue
6 rent payments.

7 (4) The District Court shall issue its summons, directed to any constable or
8 sheriff of the county entitled to serve process, and ordering the constable or sheriff to notify
9 the tenant, assignee, or subtenant by first-class mail:

10 (i) To appear before the District Court at the trial to be held on the
11 fifth day after the filing of the complaint; and

12 (ii) To answer the landlord's complaint to show cause why the
13 demand of the landlord should not be granted.

14 (5) (i) The constable or sheriff shall proceed to serve the summons upon
15 the tenant, assignee, or subtenant or their known or authorized agent as follows:

16 1. If personal service is requested and any of the persons
17 whom the sheriff shall serve is found on the property, the sheriff shall serve any such
18 persons; or

19 2. If personal service is requested and none of the persons
20 whom the sheriff is directed to serve shall be found on the property and, in all cases where
21 personal service is not requested, the constable or sheriff shall affix an attested copy of the
22 summons conspicuously upon the property.

23 (ii) The affixing of the summons upon the property after due
24 notification to the tenant, assignee, or subtenant by first-class mail shall conclusively be
25 presumed to be a sufficient service to all persons to support the entry of a default judgment
26 for possession of the premises, together with court costs, in favor of the landlord, but it shall
27 not be sufficient service to support a default judgment in favor of the landlord for the
28 amount of rent due.

29 (6) Notwithstanding the provisions of paragraphs (1) through (5) of this
30 subsection:

31 (i) In an action to repossess nonresidential property under this
32 section, service of process on a tenant:

33 1. Shall be directed to the sheriff of the appropriate county
34 or municipality; and

1 2. On plaintiff's request, may be directed to any person
2 authorized under the Maryland Rules to serve process; and

3 (ii) In Wicomico County, in an action to repossess any premises
4 under this section, service of process on a tenant may be directed to any person authorized
5 under the Maryland Rules to serve process.

6 (7) (i) Notwithstanding the provisions of paragraphs (4) through (6) of
7 this subsection, if the landlord certifies to the court in the written complaint required under
8 paragraph (1) of this subsection that, to the best of the landlord's knowledge, the tenant is
9 deceased, intestate, and without next of kin, the District Court shall issue its summons,
10 directed to any constable or sheriff of the county entitled to serve process, and ordering the
11 constable or sheriff to notify the occupant of the premises or the next of kin of the deceased
12 tenant, if known, by personal service:

13 1. To appear before the District Court at the trial to be held
14 on the fifth day after the filing of the complaint; and

15 2. To answer the landlord's complaint to show cause why the
16 demand of the landlord should not be granted.

17 (ii) 1. The constable or sheriff shall proceed to serve the
18 summons upon the occupant of the premises or the next of kin of the deceased tenant, if
19 known, as follows:

20 A. If any of the persons whom the sheriff is directed to serve
21 are found on the property or at another known address, the sheriff shall serve any such
22 persons; or

23 B. If none of the persons whom the sheriff is directed to serve
24 are found on the property or at another known address, the constable or sheriff shall affix
25 an attested copy of the summons conspicuously upon the property.

26 2. The affixing of the summons upon the property shall
27 conclusively be presumed to be a sufficient service to all persons to support the entry of a
28 default judgment for possession of the premises, together with court costs, in favor of the
29 landlord, but it shall not be sufficient service to support a default judgment in favor of the
30 landlord for the amount of rent due.

31 **(8) (I) THIS PARAGRAPH APPLIES ONLY IN ANNE ARUNDEL**
32 **COUNTY.**

33 **(II) NOTWITHSTANDING PARAGRAPHS (4) THROUGH (7) OF**
34 **THIS SUBSECTION, A COPY OF A SUMMONS ISSUED BY THE DISTRICT COURT UNDER**
35 **THIS SECTION SHALL BE:**

1 **1. MAILED BY THE DISTRICT COURT TO THE**
2 **DEFENDANT BY FIRST-CLASS MAIL; AND**

3 **2. SERVED ON THE TENANT, ASSIGNEE, OR SUBTENANT**
4 **BY A PRIVATE PROCESS SERVER RETAINED BY THE LANDLORD.**

5 **(III) THE DISTRICT COURT MAY NOT DIRECT ITS SUMMONS TO A**
6 **CONSTABLE OR SHERIFF OF THE COUNTY.**

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