

**Department of Legislative Services**  
Maryland General Assembly  
2025 Session

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

House Bill 271  
Judiciary

(Delegate Addison)

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**Real Property - Expedited Wrongful Detainer Proceedings - Property for Sale or Lease**

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This bill establishes an expedited process for wrongful detainer actions if the property that is the subject of the complaint is, at the time of the complaint, advertised for sale or lease or listed for sale or lease on a local multiple listing service. The bill also makes conforming changes.

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**Fiscal Summary**

**State Effect:** Although there may be an operational impact to the extent a significant number of expedited hearings are required under the bill's provisions, the bill is not anticipated to materially affect State finances.

**Local Effect:** Although there may be an operational impact to the extent a significant number of expedited hearings are required under the bill's provisions (with associated impacts on sheriff's offices to immediately execute warrants of restitution), the bill is not anticipated to materially affect local government finances.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** Under the bill, the District Court must immediately summon the person in actual possession of the property to appear before the court at a hearing no more than five days after the filing of the complaint. If the person in actual possession cannot be found, the person authorized to serve process must post an attested copy of the summons

conspicuously on the property. The District Court must issue a ruling on the complaint within two days after the hearing.

The bill authorizes either party to appeal the judgment of the District Court to the circuit court for the county in which the property is located within two days after the District Court enters a judgment. If an appeal is sought, the circuit court must set a hearing date within three days after the application for appeal and must immediately serve, in person, notice of the order for the hearing on the parties or the parties' counsels. The judgment of the circuit court must be issued within two days after the hearing.

If the District Court, or the circuit court in the event of an appeal, rules in favor of the complainant, a warrant must be issued by the court to the sheriff within 24 hours after the ruling. The sheriff must then immediately execute the warrant and return the property to the complainant.

**Current Law:** Wrongful detainer means to hold possession of real property without the right to do so. A wrongful detainer action is not available if (1) the person in actual possession of the property has been granted possession under a court order; (2) a remedy is available under general landlord/tenant law; or (3) any other exclusive means to recover possession is provided by statute or rule. Generally, if a person holds possession of a property to which the person is not entitled, a person claiming possession (complainant) may file a complaint, in writing, with the District Court. Once the court receives a complaint, the court must immediately summon the person in possession of the property to appear before the court on the day specified in the summons to show why the court should not restore possession of the property to the complainant. If the court determines the complainant is legally entitled to possession, the court must give judgment for restitution of the property to the complainant and direct the sheriff to deliver possession of the property to the complainant.

Either party may appeal the decision to the circuit court for the county where the property is located within 10 days of the decision of the District Court. In that case, the person in actual possession of the property may retain possession until the appeal is decided if he or she (1) files an affidavit that the appeal is not taken for delay and (2) files a bond conditioned on diligent prosecution of the appeal or pays to the original plaintiff or into the court:

- the fair rental value of the property for the entire period of possession up to the date of judgment;
- all court costs in the case;
- all other losses or damages as determined by the court; and
- the fair rental value of the property during the appeal.

The circuit court must set a date for a hearing no less than 5 days or more than 15 days after the application for appeal and meet specified notice requirements. If the circuit court decides in favor of the original plaintiff, the court must instruct the sheriff to immediately return possession of the property to the original plaintiff.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 757 of 2023.

**Cross File:** None.

**Information Source(s):** Kent, Montgomery, and Worcester counties; Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2025  
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