

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 442

(Senator Sydnor)

Judicial Proceedings

Rules and Executive Nominations

**Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent,
Breach of Lease, and Tenant Holding Over**

This bill establishes additional requirements once a court has issued a warrant of restitution in a failure to pay rent, breach of lease, or tenant holding over action, as specified, generally related to notice. The bill also establishes civil remedies for a tenant if a landlord is in violation of the bill's provisions. The bill applies prospectively and may not be applied or interpreted to have any effect on or application to any cause of action filed before the bill's effective date.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Meaningful.

Analysis

Bill Summary:

Execution of a Warrant of Restitution – Landlord's Responsibilities

If the District Court issues a warrant of restitution, the landlord must, at least six days before the scheduled date of repossession as set by the sheriff (or constable, as applicable), provide written notice to the tenant of the date on which the warrant of restitution is

scheduled to be executed by (1) sending the notice by first-class mail with certificate of mailing; (2) posting the notice on the front door of the property and taking a date-stamped photograph of the notice posted on the front door; and (3) if the landlord knows or has on file the email address or cell phone number of the tenant, sending the notice electronically to the tenant by an email message or a text message.

The notice must include the following:

- the District Court 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 court;
- the initial scheduled date of the eviction;
- a statement that the repossession may occur unless the tenant (1) returns possession of the property to the landlord or (2) for a warrant of restitution issued based on a failure to pay rent action, exercises the right to redemption (if available);
- a statement informing the occupant of the risk of losing personal property as a result of the eviction and the ability to seek legal advice, as specified;
- a statement indicating the amount due to redeem the property, if a tenant still has a right to redemption;
- a statement that the notice is the final notice to the tenant of the intended repossession, even if the repossession is stayed for any reason; and
- specified contact information for the landlord.

A landlord may charge a tenant up to \$5.00 for expenses actually incurred in providing the notice.

There is a rebuttable presumption that the tenant was notified if the landlord provides to the sheriff (1) the certificate of mailing; (2) a photograph of the notice posted on the front door of the property containing a readable timestamp indicating the date and time that the notice was posted; and (3) a signed affidavit of the person who posted the notice.

Execution of a Warrant of Restitution – Sheriff's Responsibilities

If the sheriff reasonably believes that the landlord has not provided the required notice or that the tenant may have redeemed the property, the sheriff (1) must notify the District Court and (2) is prohibited from executing the warrant of restitution without further court order. If the District Court finds that the landlord did not provide the required notice, it must vacate the warrant of restitution.

However, if a landlord presents the required documentation to the sheriff, the sheriff must (1) file the documentation with the clerk of the court and (2) subject to existing requirements to keep pets safe and sheltered, execute the warrant of restitution by putting the landlord in possession of the premises.

If a tenant is not present during the execution of the warrant of restitution, the sheriff must post a notice on the front door of the premises indicating that repossession of the premises has been completed.

Other Provisions

On violation of the bill's requirements and a court finding in favor of a tenant, the tenant is entitled to (1) actual damages; (2) reasonable attorney's fees and costs; (3) injunctive relief to recover possession of the leased premises or personal property; or (4) any other remedy the court may find reasonable.

The bill does not restrict the authority of local jurisdictions to enact or enforce legislation that, in regard to the required notice above, (1) increases the minimum number of days of required notice to as many as 14 days and (2) decreases the minimum number of days of required notice to as few as 4 days. Additionally, the bill does not restrict the authority of local jurisdictions to enact or enforce legislation that establishes penalties for violations of the bill.

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, 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.

A person may not remove a pet from real property delivered to a landlord or complainant following a failure to pay rent, tenant holding over, breach of leave, or wrongful detainer action and abandon it on public property or a public right-of-way. When delivering

property to a landlord or complainant, the sheriff, constable or other official must (1) immediately inspect the premises for pets and (2) return any pet belonging to the tenant or former occupant. However, if the tenant or former occupant is not present when the property is delivered to the landlord or complainant, the sheriff, constable, or official must (1) contact an animal shelter or rescue organization to take custody of the pet; (2) provide the tenant or former occupant with the shelter or organization's name and contact information; and (3) provide the shelter or organization with the tenant or former occupant's name and contact information, including the individual's telephone number if available.

Small Business Effect: Landlords are subject to (1) more stringent requirements before property may be repossessed and (2) additional civil remedies following the violation of any of the bill's provisions.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 992 and HB 1114 of 2024 and HB 1023 of 2023.

Designated Cross File: HB 767 (Delegate Terrasa, *et al.*) - Environment and Transportation.

Information Source(s): Baltimore City; Harford County; Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

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