

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

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 46

(Senator Watson, *et al.*)

Judicial Proceedings

Judiciary

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**Real Property - Wrongful Detainer Actions**

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This bill makes various changes to statutory provisions related to wrongful detainer actions, including those related to summonses, hearings, judgments, and complaints.

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**Fiscal Summary**

**State Effect:** Any operational impact on the Judiciary is not anticipated to materially affect State expenditures. Revenues are not affected.

**Local Effect:** *Potential* significant increase in expenditures for local sheriffs' offices, as discussed below. Local revenues are not affected.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary/Current Law:** Under 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. The court must immediately summons the person in possession to appear before the court to show cause (if any) why restitution of the possession of the property to the complainant should not be made. *If the person in actual possession cannot be found*, the person authorized to serve process under the Maryland Rules must affix a certified copy of the

summons conspicuously on the property; the bill removes the requirement that the person in actual possession be unable to be located.

The bill also specifies that the complaint (1) is not required to include the defendant's name and may be addressed to "occupant located at" followed by the property address and (2) must demonstrate sufficient evidence of the complainant's legal interest in the property.

The bill requires a hearing in regard to a wrongful detainer action to be held within four to seven calendar days after the complaint is filed.

Under current law, 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. The bill specifies that the court must direct the sheriff to *immediately* deliver possession of the property.

State statute authorizes the court to award the complainant damages for wrongful detainer, court costs, and attorney's fees if (1) the complainant claimed damages in the complaint *and* (2) the court finds either that the person in actual possession was personally served with the summons or there was service of process or submission to the court's jurisdiction sufficient to support a judgment in contract or tort. The bill repeals the second requirement. The bill also requires the court to enter a default judgment against a defendant that does not appear at the hearing.

Under current law, no later than *10* days from the District Court's judgment (4 days under the bill), either party may appeal to the circuit court. The person in actual possession may retain possession during the appeal by filing an affidavit stating the appeal is not for delay and either filing a sufficient bond or paying the fair rental value, court costs, damages, and rental value during the appeal to the complainant or appellate court. Upon application, the court must schedule a hearing date for *5 to 15 days* after the appeal request (4 to 7 days under the bill), with notice served to the parties or their counsel at least 5 days before the hearing (4 days under the bill).

**Local Expenditures:** Local sheriffs' offices may incur increased administrative and staffing costs, depending on the volume of wrongful detainer actions. For example, Prince George's County estimates that the county needs to hire 15 additional sheriffs, with associated costs of approximately \$4.5 million annually.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 560 (Delegate Holmes) - Judiciary., HB 154 (Delegate Conaway) - Judiciary.

**Information Source(s):** Calvert, Howard, and Prince George's counties; Judiciary (Administrative Office of the Courts); Maryland Association of Counties; Maryland State's Attorneys' Association; Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - January 17, 2025  
rh/jkb Third Reader - March 24, 2025  
Revised - Amendment(s) - March 24, 2025

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Analysis by: Donovan A. Ham

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510