

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 46

(Senator Watson, *et al.*)

Judicial Proceedings

Judiciary

Real Property - Wrongful Detainer - Time of Hearing and Service of Process

This bill alters certain requirements related to wrongful detainer actions, generally by (1) requiring a hearing to be held within 10 business days after the complaint is filed and (2) altering the requirements for service of process.

Fiscal Summary

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

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

Small Business Effect: Minimal.

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. Under the bill, this hearing must be held within 10 business days after the complaint is filed.

Under current law, if the person in actual possession cannot be found, the person authorized to serve process under the Maryland Rules must affix an attested copy of the summons conspicuously on the property. Under the bill, if, after two good faith attempts on separate days, the person in actual possession cannot be found, the person authorized to serve process under the Maryland Rules must (1) file an affidavit with the court describing the good faith efforts to serve the person in actual possession; (2) mail a copy of the complaint by certified mail, return receipt requested, and first-class mail to the last known address of the person in actual possession and, if different, to the address of the residential property subject to the complaint; and (3) affix an attested copy of the summons conspicuously on the property. Service under the bill must be made within *four* business days after the complaint is filed.

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
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