

# HOUSE BILL 62

N1, D2

(PRE-FILED)

6lr1604  
CF 6lr1602

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By: **Delegate Simmons**

Requested: October 31, 2025

Introduced and read first time: January 14, 2026

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring the District Court for Anne Arundel County to issue its  
5 summons for a trial to repossess for failure to pay rent to any constable or sheriff's  
6 designee; providing that a sheriff's designee in Anne Arundel County has the same  
7 authority and responsibility as a constable or sheriff in an action to repossess for a  
8 failure to pay rent; requiring a sheriff's designee to post a notice of a trial at a certain  
9 property or address; prohibiting the District Court from directing a constable or  
10 sheriff's designee from serving process to appear before the District Court on a  
11 certain day under certain circumstances; and generally relating to actions to  
12 repossess for failure to pay rent in Anne Arundel County.

13 BY repealing and reenacting, with amendments,  
14 Article – Real Property  
15 Section 8–401(b)  
16 Annotated Code of Maryland  
17 (2023 Replacement Volume and 2025 Supplement)

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

20 **Article – Real Property**

21 8–401.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) Subject to § 8–406 of this subtitle and after completing the procedures required under subsection (c) of this section, a landlord or the landlord’s duly qualified agent or attorney may file the landlord’s written complaint under oath or affirmation, in the District Court of the county wherein the property is situated:

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

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

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

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

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

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

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

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

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

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

B. The owner has offered to relocate the tenant in order to allow the owner to perform work if the work will disturb the paint on the interior surfaces

1 of the property and to pay the reasonable expenses the tenant would incur directly related  
2 to the relocation; and

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

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

9 (4) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (8) OF THIS**  
10 **SUBSECTION, THE** District Court shall issue its summons, directed to any constable or  
11 sheriff of the county entitled to serve process, and ordering the constable or sheriff to notify  
12 the tenant, assignee, or subtenant by first-class mail:

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

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

17 (5) (i) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (8) OF THIS**  
18 **SUBSECTION, THE** constable or sheriff shall proceed to serve the summons upon the  
19 tenant, assignee, or subtenant or their known or authorized agent as follows:

20 1. If personal service is requested and any of the persons  
21 whom the sheriff shall serve is found on the property, the sheriff shall serve any such  
22 persons; or

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

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

33 (6) Notwithstanding the provisions of paragraphs (1) through (5) of this  
34 subsection:

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

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

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

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

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

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

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

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

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

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

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

33                              **(8)    (I)       THIS PARAGRAPH APPLIES ONLY IN ANNE ARUNDEL**  
34 **COUNTY.**

1                   **(II) NOTWITHSTANDING PARAGRAPHS (4) AND (5) OF THIS**  
2 **SUBSECTION, THE DISTRICT COURT SHALL ISSUE ITS SUMMONS, DIRECTED TO ANY**  
3 **CONSTABLE OR SHERIFF'S DESIGNEE OF THE COUNTY ENTITLED TO SERVE**  
4 **PROCESS, AND ORDERING THE CONSTABLE OR SHERIFF'S DESIGNEE TO NOTIFY THE**  
5 **TENANT, ASSIGNEE, OR SUBTENANT BY FIRST-CLASS MAIL TO:**

6                   **1.     APPEAR BEFORE THE DISTRICT COURT AT THE TRIAL**  
7 **TO BE HELD ON THE THIRTIETH DAY AFTER THE FILING OF THE COMPLAINT; AND**

8                   **2.     ANSWER THE LANDLORD'S COMPLAINT TO SHOW**  
9 **CAUSE WHY THE DEMAND OF THE LANDLORD SHOULD NOT BE GRANTED.**

10                   **(III) A SHERIFF'S DESIGNEE HAS THE SAME AUTHORITY AND**  
11 **RESPONSIBILITY AS A CONSTABLE OR SHERIFF IDENTIFIED IN PARAGRAPHS (5)(I)**  
12 **AND (7) OF THIS SUBSECTION.**

13                   **(IV) A SHERIFF'S DESIGNEE SHALL POST A NOTICE OF A TRIAL**  
14 **AT THE PROPERTY OR ANOTHER KNOWN ADDRESS OF THE TENANT, ASSIGNEE, OR**  
15 **SUBTENANT AT LEAST 7 DAYS BEFORE THE DATE OF THE TRIAL.**

16                   **(V) THE DISTRICT COURT MAY NOT DIRECT A CONSTABLE OR**  
17 **SHERIFF'S DESIGNEE TO SERVE PROCESS TO APPEAR BEFORE THE DISTRICT COURT**  
18 **IN A MATTER UNDER THIS SECTION FOR A GIVEN DAY IF THE NUMBER OF MATTERS**  
19 **BEFORE THE DISTRICT COURT ON THAT DAY EXCEEDS 100.**

20                   **(VI) IF SERVICE IS DIRECTED TO A CONSTABLE OR SHERIFF'S**  
21 **DESIGNEE, THE SERVICE FEE SHALL BE PAID DIRECTLY TO THE SHERIFF'S OFFICE.**

22                   **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
23 **October 1, 2026.**