

HOUSE BILL 867

N1
HB 252/25 – JUD

6lr3180

By: **Delegate Conaway**

Introduced and read first time: February 4, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Actions for Wrongful Detainer – Required Postings**

3 FOR the purpose of providing that certain provisions of law pertaining to wrongful detainer
4 actions do not apply unless certain property is posted conspicuously against trespass
5 or loitering; and generally relating to actions for wrongful detainer.

6 BY repealing and reenacting, with amendments,
7 Article – Real Property
8 Section 14–132
9 Annotated Code of Maryland
10 (2023 Replacement Volume and 2025 Supplement)

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

13 **Article – Real Property**

14 14–132.

15 (a) In this section, “wrongful detainer” means to hold possession of real property
16 without the right of possession.

17 (b) This section does not apply [if]:

18 (1) **IF:**

19 (I) The person in actual possession of the property has been granted
20 possession under a court order;

21 [(2)] (II) A remedy is available under Title 8 of this article; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **[(3)] (III)** Any other exclusive means to recover possession is provided by
2 statute or rule; **OR**

3 **(2) UNLESS THE PROPERTY IS POSTED CONSPICUOUSLY AGAINST**
4 **TRESPASS OR LOITERING.**

5 (c) A person may not hold possession of property unless the person is entitled to
6 possession of the property under the law.

7 (d) (1) If a person violates subsection (c) of this section, a person claiming
8 possession may make complaint in writing to the District Court of the county in which the
9 property is located.

10 (2) (i) On receipt of a complaint under paragraph (1) of this subsection,
11 the court shall summons immediately the person in possession to appear before the court
12 on the day specified in the summons to show cause, if any, why restitution of the possession
13 of the property to the person filing the complaint should not be made.

14 (ii) A hearing scheduled under subparagraph (i) of this paragraph
15 shall be held not more than 10 business days after the complaint is filed under paragraph
16 (1) of this subsection.

17 (3) If, for any reason, the person in actual possession cannot be found after
18 two good faith efforts on different days, the person authorized to serve process by the
19 Maryland Rules shall:

20 (i) File an affidavit with the court describing the good faith efforts
21 to serve the person in actual possession;

22 (ii) Mail a copy of the complaint by certified mail, return receipt
23 requested, and first-class mail to the last known address of the person in actual possession
24 and, if different, to the address of the residential property subject to the complaint; and

25 (iii) Affix an attested copy of the summons conspicuously on the
26 property.

27 (4) If notice of the summons is sent to the person in possession in
28 accordance with paragraph (3) of this subsection, the notice shall constitute sufficient
29 service to support restitution of possession.

30 (5) Service shall be made under paragraphs (3) and (4) of this subsection
31 within 4 business days after the complaint is filed under paragraph (1) of this subsection.

32 (e) A counterclaim or cross-claim may not be filed in an action brought under this
33 section.

1 (f) (1) If the court determines that the complainant is legally entitled to
2 possession, the court shall:

3 (i) Give judgment for restitution of the possession of the property to
4 the complainant; and

5 (ii) Issue its warrant to the sheriff or constable commanding the
6 sheriff or constable to deliver possession to the complainant.

7 (2) The court may also give judgment in favor of the complainant for
8 damages due to the wrongful detainer and for court costs and attorney fees if:

9 (i) The complainant claimed damages in the complaint; and

10 (ii) The court finds that:

11 1. The person in actual possession was personally served
12 with the summons; or

13 2. There was service of process or submission to the
14 jurisdiction of the court as would support a judgment in contract or tort.

15 (3) A person in actual possession who is not personally served with a
16 summons is not subject to the personal jurisdiction of the District Court if the person
17 appears in response to the summons and prior to the time that evidence is taken by the
18 court and asserts that the appearance is only for the purpose of defending an in rem action.

19 (g) Subject to § 8–118.1 of this article, a party to a wrongful detainer action
20 brought in the District Court under this section may demand a trial by jury in accordance
21 with Title 8, Subtitle 6 of this article.

22 (h) (1) Not later than 10 days from the entry of the judgment of the District
23 Court, either party may appeal to the circuit court for the county in which the property is
24 located.

25 (2) The person in actual possession of the property may retain possession
26 until the determination of the appeal if the person:

27 (i) Files with the court an affidavit that the appeal is not taken for
28 delay; and

29 (ii) 1. Files sufficient bond with one or more securities
30 conditioned on diligent prosecution of the appeal; or

31 2. Pays to the complainant or into the appellate court:

1 A. The fair rental value of the property for the entire period
2 of possession up to the date of judgment;

3 B. All court costs in the case;

4 C. All losses or damages other than the fair rental value of
5 the property up to the day of judgment that the court determined to be due because of the
6 detention of possession; and

7 D. The fair rental value of the property during the pendency
8 of the appeal.

9 (3) On application of either party, the court shall set a hearing date for the
10 appeal that is not less than 5 days or more than 15 days after the application for appeal.

11 (4) Notice of the order for a hearing shall be served on the parties or the
12 parties' counsels not less than 5 days before the hearing.

13 (i) If the judgment of the circuit court shall be in favor of the person claiming
14 possession, a warrant shall be issued by the court to the sheriff, who shall proceed
15 immediately to execute the warrant.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2026.