

# SENATE BILL 353

N1  
SB 682/25 – JPR

6lr2472  
CF 6lr1056

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By: **Senator Charles**

Introduced and read first time: January 23, 2026

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Residential Foreclosures – Commencement Restrictions**

3 FOR the purpose of establishing certain restrictions for the commencement of a foreclosure  
4 and an order to docket or a complaint to foreclose a mortgage or deed of trust on  
5 residential property; and generally relating to an action to foreclose a mortgage or  
6 deed of trust on residential property.

7 BY repealing and reenacting, without amendments,  
8 Article – Real Property  
9 Section 7–105.1(a)(1), (8), and (12) and (b)  
10 Annotated Code of Maryland  
11 (2023 Replacement Volume and 2025 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Real Property  
14 Section 7–105.1(e)  
15 Annotated Code of Maryland  
16 (2023 Replacement Volume and 2025 Supplement)

17 BY adding to  
18 Article – Real Property  
19 Section 7–105.1(e–1)  
20 Annotated Code of Maryland  
21 (2023 Replacement Volume and 2025 Supplement)

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

24 **Article – Real Property**

25 7–105.1.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) (1) In this section the following words have the meanings indicated.

(8) “Owner–occupied residential property” means residential property in which at least one unit is occupied by an individual who:

(i) Has an ownership interest in the property; and

(ii) Uses the property as the individual’s primary residence.

(12) “Residential property” means real property improved by four or fewer single family dwelling units that are designed principally and are intended for human habitation.

(b) (1) Except as provided in paragraph (2) of this subsection, an action to foreclose a mortgage or deed of trust on residential property may not be filed until the later of:

(i) 90 days after a default in a condition on which the mortgage or deed of trust provides that a sale may be made; or

(ii) 45 days after the notice of intent to foreclose required under subsection (c) of this section is sent.

(2) (i) The secured party may petition the circuit court for leave to immediately commence an action to foreclose the mortgage or deed of trust if:

1. The loan secured by the mortgage or deed of trust was obtained by fraud or deception;

2. No payments have ever been made on the loan secured by the mortgage or deed of trust;

3. The property subject to the mortgage or deed of trust has been destroyed;

4. The default occurred after the stay has been lifted in a bankruptcy proceeding; or

5. The property subject to the mortgage or deed of trust is property that is vacant and abandoned as provided under § 7–105.18 of this subtitle.

(ii) The court may rule on the petition with or without a hearing.

(iii) If the petition is granted:

1                               1.     The action may be filed at any time after a default in a  
2 condition on which the mortgage or deed of trust provides that a sale may be made; and

3                               2.     The secured party need not send the written notice of  
4 intent to foreclose required under subsection (c) of this section.

5               (e)     An order to docket or a complaint to foreclose a mortgage or deed of trust on  
6 residential property shall:

7                       (1)     Include:

8                               (i)     If applicable, the license number of:

9                                       1.     The mortgage originator; and

10                                      2.     The mortgage lender; and

11                               (ii)    An affidavit stating:

12                                      1.     The date on which the default occurred and the nature of  
13 the default; and

14                                      2.     If applicable, that:

15   A.     A notice of intent to foreclose was sent to the mortgagor or  
16 grantor in accordance with subsection (c) of this section and the date on which the notice  
17 was sent; and

18   B.     At the time the notice of intent to foreclose was sent, the  
19 contents of the notice of intent to foreclose were accurate; [and]

20                       (2)     Be accompanied by:

21                               (i)     The original or a certified copy of the mortgage or deed of trust;

22                               (ii)    A statement of the debt remaining due and payable supported by  
23 an affidavit of the plaintiff or the secured party or the agent or attorney of the plaintiff or  
24 secured party;

25                               (iii)   A copy of the debt instrument accompanied by an affidavit  
26 certifying ownership of the debt instrument;

27                               (iv)    If applicable, the original or a certified copy of the assignment of  
28 the mortgage for purposes of foreclosure or the deed of appointment of a substitute trustee;

29                               (v)     If any defendant is an individual, an affidavit that is in  
30 compliance with § 521 of the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 et seq.;

(vi) If applicable, a copy of the notice of intent to foreclose;

(vii) If the secured party and mortgagor or grantor have elected to participate in prefile mediation, the report of the prefile mediation issued by the Office of Administrative Hearings;

(viii) If the secured party and the mortgagor or grantor have not elected to participate in prefile mediation, a statement that the parties have not elected to participate in prefile mediation;

(ix) In addition to any other filing fees required by law, a filing fee in the amount of \$450; and

(x) 1. If the loss mitigation analysis has been completed subject to subsection (g) of this section, a final loss mitigation affidavit in the form prescribed by regulation adopted by the Commissioner of Financial Regulation; and

2. If the loss mitigation analysis has not been completed, a preliminary loss mitigation affidavit in the form prescribed by regulation adopted by the Commissioner of Financial Regulation; AND

**(3) BE COMMENCED NOT LATER THAN 10 YEARS AFTER THE DATE OF DEFAULT CLAIMED IN THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE.**

**(E-1) IF A FORECLOSURE IS COMMENCED BY A SECURED PARTY THAT ACQUIRED DEBT THAT WAS IN DEFAULT FOR 5 OR MORE YEARS BEFORE THE ACQUISITION, THE SECURED PARTY SHALL PRESENT THE DOCUMENTS REQUIRED UNDER § 5-1203(B) OF THE COURTS ARTICLE WITH THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE.**

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