

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Sara Elalamy  
410-260-1561  
**RE:** House Bill 524  
Anne Arundel County and Prince George’s County–Repossession  
for Failure to Pay Rent – Rental Property License Information  
**DATE:** January 20, 2021  
(2/17)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 524. This bill would add to and amend several provisions of state law governing landlords and tenants in Anne Arundel County and Prince George’s County.

The Judiciary opposes House Bill 524 because it applies only in Anne Arundel County and Prince George’s County. The District Court is a statewide court system designed to provide the uniform application of law to all who come before it. This bill would cause the Landlord Tenant law to apply differently in one jurisdiction out of twenty-four resulting in an inequitable application of the law across the State. The Judiciary believes there should be statewide consistency and equity in how landlord/tenant cases are processed across Maryland.

Moreover, landlord/tenant filings are currently handled by a manual process and the filings are voluminous in nature. This bill will require the clerk to review each failure to pay rent form and determine if the rental license is valid, current or the property is exempt, and if the license applies to each property. In any situation, a court clerk is not authorized to reject the filing. The bill contains ambiguous language that does not specify what the clerk is to do if there is inadequate licensing documentation submitted. Operationally, this bill will add more time to the manual processing of fail to pay rent cases that have strict statutory time requirements. The impact to the courts is dependent on compliance from landlords to provide the required information on the complaint, and evidence provided.

Lastly, the Court of Appeals in *McDaniel v. Baranowski*, 419 Md. 560 (2011) established that the summary ejectment process may not be used if a landlord does not have a license, in violation of a local licensure requirement. The Court noted that the landlord must “affirmatively plead and demonstrate that he is

licensed at the time of the filing of the complaint for summary ejectment” in jurisdictions that require licensure of landlords. Failure to pay rent cases do not proceed without a valid license.

cc. Hon. Mary Lehman  
Judicial Council  
Legislative Committee  
Kelley O’Connor