

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1309
Landlord and Tenant – Repossession for Failure to Pay Rent -
Procedures
DATE: February 23, 2023
(3/2)
POSITION: Oppose, as drafted

The Maryland Judiciary opposes House Bill 1309, as drafted. House Bill 1309 authorizes a landlord to repossess rented property for failure to pay rent if they first notify the tenant, in writing sent by first-class mail with certificate of mailing, at least 14 days before the intended date of repossession, and posted on the leased premises at least 7 days before the intended date of repossession.

The Judiciary has no position on the policy aims of the legislation, but has concerns with two drafting provisions. First, the bill removes, at Real Property § 8-401(f)(1)(i), the existing statutory provision that calls for clerks to issue warrants of restitution in cases for nonpayment of rent, but it does not add a new provision explaining who issues the warrants. In addition, at § 8-401(f)(1)(iv)(2.), the bill states that the District Court “shall vacate” a warrant of restitution if it finds that a landlord did not provide notice as required under the bill. This removes discretion of judges to take into account the specific circumstances of a case, including whether actual notice had been provided even if not in precise compliance with the methods described in the bill.

cc. Hon. Christopher Adams
Judicial Council
Legislative Committee
Kelley O’Connor