

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Environment and Transportation Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1114
Real Property – Landlord and Tenant – Procedures for Failure to
Pay Rent, Breach of Lease, and Tenant Holding Over
DATE: February 15, 2023
(2/27)

COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters.

The Judiciary only writes to point out a few concerns. First, on page 10, lines 27–30, the bill authorizes local jurisdictions to enact legislation governing landlords and tenants, which poses the risk that local jurisdictions could pass local laws that are inconsistent with state law. Second, on page 7, lines 13-16, the bill’s use of the term “summary ejectment case number” is vague and may be inapposite. Further, on this page, the bill references the District Court, but the circuit courts, on appeal from the District Court, also sometimes issue warrants of restitution. The language could simply be changed to “the court.” Finally, on page 8, it is unclear whether the rebuttable presumption of notice would apply in the circuit courts and/or the District Court of Maryland.

cc. Hon. Jen Terrasa
Judicial Council
Legislative Committee
Kelley O’Connor