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HB 1445 Landlord and Tenant – Actions for Possession – Service of Process by a Private Detective

Hearing before the House Judiciary Committee, February 28, 2024

Position: OPPOSE (UNFAV)

Public Justice Center (PJC) is a non-profit advocacy organization and civil legal services provider that provides advice and representation to over 800 tenants in Maryland each year. The PJC stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing and their rights to fair and equal treatment by Maryland’s landlord-tenant laws, courts, and agencies.

We oppose HB 1445 and request that the Committee issue an unfavorable report. HB 1445 would allow the landlord to supplant the central role of the Sheriff in the unique “nail and mail” service of complaints for eviction for failure to pay rent, tenant holding over, and breach of lease. Maryland has a high volume of eviction complaints filed each year. There are typically over 400,000 rent complaints (down from 650,000 prior to changes enacted by this body) and 6,000 complaints for tenant holding over each year. The Sheriff has a crucial role in timely completing service on the tenant by mailing a copy of the complaint and posting a copy within very specific timeframes. For example, in Anne Arundel County, a rent complaint is typically heard within 5 days of filing. The Sheriff must mail the complaint and post the complaint on the actual leased premises (not the outside of a multi-family building) as soon as possible to effect service on the tenant that complies with due process and provide evidence of that to the Court in time for the trial. A private process server would not be able to effectively integrate into this unique, fast-paced system for service of process. Additionally, private process servers have an inherent conflict of interest since they are paid for by the landlord. The Sheriff, by contrast, is a neutral party who is accountable to the voters of the County. Given the timely, unique nature of the summary ejection process and the inherent conflict of interest posed by private process servers working for the landlord, we request that the Committee **issue an UNFAVORABLE report on HB 1445.** If you have any questions, please contact: Matt Hill, hillm@publicjustice.org, 410-625-9409, ext. 229.