

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
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P: (410) 260-1560

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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 867
Real Property – Actions for Wrongful Detainer – Required
Postings
DATE: February 26, 2026
(3/4)

INFORMATIONAL COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges the policy-making authority of the legislative branch. As such, the Judiciary has no position on the policy aims of this legislation.

As currently drafted, it is not clear if the bill is intended to require that, in every wrongful detainer action, the property be posted conspicuously against trespass or loitering. If so, it should be noted that wrongful detainer cases are applicable in many instances, including when the defendant did not originate as a trespasser but, rather, as an invitee, but is now refusing to leave the premises. For instance, persons file for wrongful detainer actions when family members and former romantic partners, who initially had permission to be on the property, refuse to leave without a possessory interest in the property. It is not clear, under the drafting of the bill, if those situations would also require a posting against trespassing or loitering.

cc. Hon. Frank Conaway
Judicial Council
Legislative Committee
Kelley O'Connor