

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 20 (Delegate Chang)
Environment and Transportation

Real Property - Residential Rental Property - Annual Eviction Moratorium

This bill prohibits a landlord or any official of a county entitled to serve process from executing a judgment for possession or a warrant of restitution against a tenant between December 18 and January 8 of the following calendar year. It also suspends statutory time requirements for enforcement of the judgment or warrant during this period. The bill applies only to residential rental property that serves as the tenant's primary residence.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations, as discussed below.

Local Effect: The bill is not anticipated to materially affect local finances or operations, as discussed below.

Small Business Effect: Minimal, although landlords and property management companies may not regain possession of property by evicting certain tenants during the moratorium.

Analysis

Current Law/Background: Statutory provisions set forth a process by which a landlord may initiate an action in the District Court to repossess property from a tenant by obtaining a judgment for possession. Generally, if the judgment is in favor of the landlord and the tenant cannot redeem the judgment by taking certain actions (*e.g.*, paying past-due rent and late fees), if applicable, a warrant of restitution (which serves as the eviction order) is ordered and executed, as specified.

Baltimore County is the only county in the State that uses court-employed constables to serve landlord/tenant actions and conduct evictions. In other jurisdictions, sheriff's offices handle such activities. The Judiciary advises that, in fiscal 2019, 39,973 petitions for warrants of restitution and 115,834 landlord/tenant actions were filed statewide in the months of December and January combined.

State/Local Fiscal Effect: Because the bill institutes a moratorium on specified landlord/tenant activities each year, the workloads of constables in Baltimore County and sheriff's offices in other jurisdictions are affected. For example, in Baltimore County alone, approximately 350 to 600 evictions typically occur each month. Despite the volume of actions potentially affected by the moratorium, workloads can likely be adjusted to avoid a significant backlog of landlord/tenant-related matters without materially affecting State or local finances. None of the local jurisdictions that responded to a request for an estimate on the impact of this fiscal and policy note anticipated a material fiscal effect.

Likewise the Judiciary can manage dockets to avoid a significant backlog of landlord/tenant-related cases without materially affecting expenditures. Indeed, the Judiciary advises that the number of evictions may decrease since the moratorium also provides additional time for tenants to pay past-due rent before being evicted.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore City; Caroline, Howard, Montgomery, and Prince George's counties; Office of the Attorney General; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - January 23, 2020
mr/jkb

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