

**SB0046/533228/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 46  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “**Real Property – Wrongful Detainer Actions**”; strike beginning with “prohibiting” in line 3 down through “property” in line 9 and substitute “altering provisions relating to wrongful detainer actions, including requirements for summonses, hearings, and judgments; and generally relating to wrongful detainer actions”; strike in their entirety lines 10 through 14, inclusive; and after line 14, insert:

“BY repealing and reenacting, with amendments,

Article – Real Property

Section 14–132

Annotated Code of Maryland

(2023 Replacement Volume and 2024 Supplement)”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 29 on page 2.

On page 2, after line 29, insert:

**“Article – Real Property**

14–132.

(a) In this section, “wrongful detainer” means to hold possession of real property without the right of possession.

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(b) This section does not apply if:

(1) The person in actual possession of the property has been granted possession under a court order;

(2) A remedy is available under Title 8 of this article; or

(3) Any other exclusive means to recover possession is provided by statute or rule.

(c) A person may not hold possession of property unless the person is entitled to possession of the property under the law.

(d) (1) If a person violates subsection (c) of this section, a person claiming possession may make complaint in writing to the District Court of the county in which the property is located.

(2) On receipt of a complaint under paragraph (1) of this subsection, the court shall summons immediately the person in possession to appear before the court on the day specified in the summons to show cause, if any, why restitution of the possession of the property to the person filing the complaint should not be made.

**(3) A SUMMONS ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION:**

**(I) NEED NOT CONTAIN THE DEFENDANT'S NAME; AND**

**(II) MAY BE ADDRESSED TO "OCCUPANT LOCATED AT" FOLLOWED BY THE PROPERTY ADDRESS.**

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[(3)] (4) [If, for any reason, the person in actual possession cannot be found, the] THE person authorized to serve process by the Maryland Rules shall affix an attested copy of the summons conspicuously on the property.

[(4)] (5) If notice of the summons is sent to the person in possession by first-class mail, the affixing of the summons in accordance with paragraph [(3)] (4) of this subsection shall constitute sufficient service to support restitution of possession.

**(6) A HEARING SCHEDULED UNDER THIS SUBSECTION SHALL BE HELD NOT LESS THAN 4 CALENDAR DAYS AND NOT MORE THAN 7 CALENDAR DAYS AFTER THE COMPLAINT IS FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

(e) A counterclaim or cross-claim may not be filed in an action brought under this section.

**(F) THE COMPLAINANT SHALL PROVIDE SUFFICIENT EVIDENCE TO THE COURT DEMONSTRATING THE COMPLAINANT'S LEGAL INTEREST IN THE PROPERTY.**

[(f)] (G) (1) If the court determines that the complainant is legally entitled to possession, the court shall:

(i) Give judgment for restitution of the possession of the property to the complainant; and

(ii) Issue its warrant to the sheriff or constable commanding the sheriff or constable to IMMEDIATELY deliver possession to the complainant.

(2) The court may also give judgment in favor of the complainant for damages due to the wrongful detainer and for court costs and attorney fees if:

(Over)

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(i) The] THE complainant claimed damages in the complaint[;  
and

(ii) The court finds that:

1. The person in actual possession was personally served  
with the summons; or

2. There was service of process or submission to the  
jurisdiction of the court as would support a judgment in contract or tort].

(3) A person in actual possession who is not personally served with a  
summons is not subject to the personal jurisdiction of the District Court if the person  
appears in response to the summons and prior to the time that evidence is taken by the  
court and asserts that the appearance is only for the purpose of defending an in rem  
action.

**[(g)] (H)** Subject to § 8–118.1 of this article, a party to a wrongful detainer  
action brought in the District Court under this section may demand a trial by jury in  
accordance with Title 8, Subtitle 6 of this article.

**(I) IF A DEFENDANT DOES NOT ATTEND THE HEARING, THE DISTRICT**  
**COURT SHALL ENTER A DEFAULT JUDGMENT AGAINST THE DEFENDANT.**

**[(h)] (J)** (1) Not later than [10] 4 days from the entry of the judgment of  
the District Court, either party may appeal to the circuit court for the county in which  
the property is located.

(2) The person in actual possession of the property may retain  
possession until the determination of the appeal if the person:

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(i) Files with the court an affidavit that the appeal is not taken for delay; and

(ii) 1. Files sufficient bond with one or more securities conditioned on diligent prosecution of the appeal; or

2. Pays to the complainant or into the appellate court:

A. The fair rental value of the property for the entire period of possession up to the date of judgment;

B. All court costs in the case;

C. All losses or damages other than the fair rental value of the property up to the day of judgment that the court determined to be due because of the detention of possession; and

D. The fair rental value of the property during the pendency of the appeal.

(3) On application of either party, the court shall set a hearing date for the appeal that is not less than [5] 4 days or more than [15] 7 days after the application for appeal.

(4) Notice of the order for a hearing shall be served on the parties or the parties' counsels not less than [5] 4 days before the hearing.

**[(i)] (K)** If the judgment of the circuit court shall be in favor of the person claiming possession, a warrant shall be issued by the court to the sheriff, who shall proceed immediately to execute the warrant.”.