

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  
GOVERNMENT RELATIONS  
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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 992  
Real Property – Landlord and Tenant – Procedures for Failure to  
Pay Rent, Breach of Lease, and Tenant Holding Over  
**DATE:** February 15, 2023  
(3/7)

### COMMENT PAPER

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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. Joanne Benson  
Judicial Council  
Legislative Committee  
Kelley O'Connor