

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 62 (Delegate Simmons)
Economic Matters

Anne Arundel County - Summons for Actions to Repossess for Failure to Pay
Rent - Alterations

This bill alters certain procedures associated with the issuance of a summons in failure to pay rent cases in Anne Arundel County. Specifically, the bill (1) requires the District Court to issue its summons in failure to pay rent cases to constables and/or sheriff's *designees*; (2) requires the constable/designee to notify the tenant, assignee, or subtenant by first class mail to answer the complaint and appear before the District Court at the trial to be held on the *thirtieth day* after the filing of the complaint; (3) grants the sheriff's designee the same authority and responsibilities as a constable or sheriff when handling cases involving a failure to pay rent action; and (4) requires a sheriff's designee to post a trial notice at the subject property involved in the dispute at least seven days before the trial. The bill also restricts the District Court from ordering a constable or sheriff's designee to serve process to appear before the District Court in a failure to pay rent matter if a specific threshold of matters before the District Court that day is exceeded.

Fiscal Summary

State Effect: Although there may be an operational impact, as discussed below, the bill is not anticipated to materially affect State finances.

Local Effect: Potential decrease in Anne Arundel County expenditures to the extent that the bill results in operational efficiencies related to service processing. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Current Law: In general, a landlord seeking to evict a tenant must file the appropriate action (*e.g.*, failure to pay rent, breach of lease, etc.) in the District Court. If awarded a judgment by the court, the landlord files a warrant of restitution, which, once reviewed and signed by the court, authorizes an eviction. The warrants of restitution, which must comply with specific requirements, are forwarded to the local sheriff's office who is then authorized to carry out the evictions. Statute sets forth numerous specific requirements for such actions, including those related to written notice prior to filing certain actions. This includes specific requirements for written notice prior to initiating a failure to pay rent action.

Prior to filing a failure to pay rent claim with the court, a landlord is required to provide the tenant with a 10-day written notice of intent to file, as specified. Following the notice period, the landlord may then file the written complaint in the District Court of the county where the property is located. In a failure to pay rent case, the District Court must issue its summons – directed to any constable or sheriff in the county entitled to serve process – ordering the constable/sheriff to notify the tenant, assignee, or subtenant by first-class mail to appear before the District Court at the trial to be held on the *fifth day* after the filing of the complaint.

In failure to pay rent actions, a tenant has the right to redemption of the leased premises by tendering in cash, certified check, or money order to the landlord or the landlord's agent all past due amounts, as determined by the court, plus all court awarded costs and fees, at any time before actual execution of the eviction order. This right of redemption does not apply to any tenant against whom three judgments of possession have been entered for rent due and unpaid in the 12 months prior to the initiation of the action, as specified.

State/Local Fiscal Effect: The Judiciary anticipates moderate operational impacts associated with scheduling cases and advises that failure to pay rent cases represent a high volume of cases handled in Anne Arundel County. Specifically, the Judiciary reports that during fiscal 2025, 22,302 failure to pay rent cases were filled in the county. The Judiciary notes that under the bill, the District Court is prohibited from directing a constable or sheriff's designee to serve process to appear before the District Court in a matter under the bill for a given day if the number of matters on that day exceeds 100. The Judiciary reports that in the Annapolis District Court there will almost always be more than 100 *matters* on any given day, and the bill does not address whether this threshold only pertains to landlord/tenant matters.

Anne Arundel County reports that the bill may allow its Sheriff's office to more effectively provide service within legal time limits, thereby potentially reducing overtime costs that currently occur. Any such impact cannot be reliably quantified in advance.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Anne Arundel County; Judiciary (Administrative Office of the Courts); Department of Legislative Services

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