

## CHAPTER 745

(House Bill 1245)

AN ACT to repeal and re-enact, with amendments, Section 39-O of Article 53 of the Annotated Code of Maryland (1968 Replacement Volume and 1970 Supplement), title "Landlord and Tenant," subtitle "Distress for Rent," subheading "Landlord Complaint Procedure," to require that a tenant be notified by ~~personal service~~ **BY FIRST CLASS MAIL IN ADDITION TO SERVICE BY CONSTABLE** if a complaint has been filed against him by his landlord for rent due or if the landlord desires to repossess his premises; ~~to eliminate the provision allowing a constable to affix a copy of the complaint summons on the premises where the tenant resides if the tenant cannot be found;~~ and changing obsolete references to justices of the peace therein.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 39-O of Article 53 of the Annotated Code of Maryland (1968 Replacement Volume and 1970 Supplement), title "Landlord and Tenant," subtitle "Distress for Rent," subheading "Landlord Complaint Procedure," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

## 39-O.

Whenever any lessor shall desire to have again and repossess any premises to which he is entitled under the provisions of Section 39N, he or his duly qualified agent or attorney, shall make his written complaint under oath or affirmation, before any [justice of the peace] *district court judge* of the county or city wherein such property is situated, and describing therein in general terms the property sought to be had again and repossessed ~~as aforesaid,~~ and also setting forth the name of the tenant to whom the ~~same~~ **PROPERTY** is rented, or his assignee or undertenant or tenants, with the amount of rent thereon due and unpaid; and praying by warrant to have again and repossess the premises, together with judgment for the amount of rent due and costs; and it shall thereupon be the duty of ~~said~~ **THE** [justice of the peace] *district court judge* ~~forthwith~~ to issue his summons, directed to any constable of the county or city wherein such complaint has been filed, and ordering him to notify ~~by personal service~~ **FIRST CLASS MAIL** ~~said~~ **THE** tenant, assignee or undertenant ~~forthwith~~ to appear before ~~the~~ ~~said~~ **THE** [justice of the peace] *district court judge*, at the trial to be held on the second day except that in Baltimore City the trial shall be held on the fifth day after the filing of ~~said~~ **THE** complaint, to show cause why the prayer of ~~said~~ **THE** lessor should not be granted as aforesaid, and ~~the~~ ~~said~~ **THE** constable shall forthwith proceed to serve ~~said~~ **THE** summons upon ~~said~~ **THE** tenant, assignee or undertenant in ~~said~~ **THE** premises, or upon his or their known or authorized agent, ~~+~~ but if for any reason, neither ~~said~~ **THE** tenant, assignee or undertenant, nor his or their agent can be found, then ~~said~~ **THE** constable shall affix an attested copy of ~~said~~ **THE** summons conspicuously upon ~~said~~ **THE** premises, and such affixing of ~~said~~ **THE** summons shall, for the purposes of this subtitle, be deemed and construed a sufficient service upon all persons whomsoever, **IF, IN ADDITION, THE TENANT, ASSIGNEE OR UNDERTENANT HAS ALSO BEEN NOTIFIED BY FIRST CLASS MAIL.**