

CHAPTER 692

(House Bill 761)

AN ACT concerning

Landlord and Tenant – Restitution

FOR the purpose of providing that an administrative judge may only stay the execution of a warrant of restitution in the event of extreme weather conditions if the property is residential property; and generally relating to ~~restitution by a landlord~~ landlords and tenants.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 8-401(d)

Annotated Code of Maryland

(1996 Replacement Volume and 1996 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Real Property

8-401.

(d) (1) Subject to the provisions of paragraph (2) of this subsection, if judgment is given in favor of the landlord, and the tenant fails to comply with the requirements of the order within 4 days, the court shall, at any time after the expiration of the 4 days, issue its warrant, directed to any official of the county entitled to serve process, ordering him to cause the landlord to have again and repossess the property by putting him (or his duly qualified agent or attorney for his benefit) in possession thereof, and for that purpose to remove from the property, by force if necessary, all the furniture, implements, tools, goods, effects or other chattels of every description whatsoever belonging to the tenant, or to any person claiming or holding by or under said tenant. If the landlord does not order a warrant of restitution within sixty days from the date of judgment or from the expiration date of any stay of execution, whichever shall be the later, the judgment for possession shall be stricken.

(2) (i) The administrative judge of any district may stay the execution of a warrant of restitution OF A RESIDENTIAL PROPERTY, from day to day, in the event of extreme weather conditions.

(ii) When a stay has been granted under this paragraph, the execution of the warrant of restitution for which the stay has been granted shall be given priority when the extreme weather conditions cease.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1997.

Approved May 22, 1997.