

HOUSE BILL 1051

N1, L2

9lr2004

By: **Delegate Wilson**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Charles County – Landlord and Tenant – Repossession for Failure to Pay Rent –**
3 **Procedures**

4 FOR the purpose of establishing certain procedures in Charles County after a warrant of
5 restitution is ordered by the court in an action for repossession for failure to pay rent;
6 requiring a landlord to send certain notice in a certain manner to a tenant regarding
7 the execution of a warrant of restitution under certain circumstances; authorizing a
8 landlord to charge a tenant for certain expenses incurred in providing certain notice;
9 prohibiting a sheriff from executing a warrant of restitution under certain
10 circumstances; requiring the court to vacate a warrant of restitution under certain
11 circumstances; providing that certain property at the time that a warrant of
12 restitution is executed is abandoned under certain circumstances; requiring a
13 landlord to dispose of certain abandoned property in a certain manner; prohibiting
14 the placement of certain chattels on certain public property under certain
15 circumstances; imposing a certain penalty for a violation of certain provisions of this
16 Act; providing for the application of this Act; and generally relating to repossession
17 in Charles County.

18 BY repealing and reenacting, with amendments,
19 Article – Real Property
20 Section 8–401(d)
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2018 Supplement)

23 BY adding to
24 Article – Real Property
25 Section 8–401(d–1)
26 Annotated Code of Maryland
27 (2015 Replacement Volume and 2018 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Real Property**

3 8–401.

4 (d) (1) (i) [Subject] **EXCEPT AS PROVIDED IN SUBSECTION (D–1) OF**
5 **THIS SECTION AND SUBJECT** to the provisions of paragraph (2) of this subsection, if
6 judgment is given in favor of the landlord, and the tenant fails to comply with the
7 requirements of the order within 4 days, the court shall, at any time after the expiration of
8 the 4 days, issue its warrant, directed to any official of the county entitled to serve process,
9 ordering the official to cause the landlord to have again and repossess the property by
10 putting the landlord (or the landlord’s duly qualified agent or attorney for the landlord’s
11 benefit) in possession thereof, and for that purpose to remove from the property, by force if
12 necessary, all the furniture, implements, tools, goods, effects or other chattels of every
13 description whatsoever belonging to the tenant, or to any person claiming or holding by or
14 under said tenant.

15 (ii) If the landlord does not order a warrant of restitution within
16 sixty days from the date of judgment or from the expiration date of any stay of execution,
17 whichever shall be the later:

18 1. The judgment for possession shall be stricken; and

19 2. The judgment shall be applied to the number of judgments
20 necessary to foreclose a tenant’s right to redemption of the leased premises as established
21 in subsection (e)(2) of this section unless the court in its discretion determines that the
22 judgment may not apply for purposes of subsection (e)(2) of this section.

23 (iii) If the landlord orders a warrant of restitution but takes no action
24 on the warrant within 60 days from the later of the date the court issues the order for the
25 warrant or the date as otherwise extended by the court:

26 1. The warrant of restitution shall expire and the judgment
27 for possession shall be stricken; and

28 2. The judgment shall be applied to the number of judgments
29 necessary to foreclose a tenant’s right to redemption of the leased premises as established
30 in subsection (e)(2) of this section unless the court in its discretion determines that the
31 judgment may not apply for purposes of subsection (e)(2) of this section.

32 (2) (i) The administrative judge of any district may stay the execution
33 of a warrant of restitution of a residential property, from day to day, in the event of extreme
34 weather conditions.

35 (ii) When a stay has been granted under this paragraph, the
36 execution of the warrant of restitution for which the stay has been granted shall be given

1 priority and completed within 3 days after the extreme weather conditions cease.

2 **(D-1) (1) THIS SUBSECTION APPLIES ONLY IN CHARLES COUNTY.**

3 **(2) (I) EXCEPT AS PROVIDED IN SUBSECTION (D)(1)(II) AND (III)**
4 **AND (2) OF THIS SECTION, WHENEVER THE COURT ENTERS A JUDGMENT IN FAVOR**
5 **OF THE LANDLORD FOR REPOSSESSION OF A LEASED DWELLING AND ORDERS A**
6 **WARRANT OF RESTITUTION, THE LANDLORD SHALL NOTIFY THE TENANT OF THE**
7 **DATE ON WHICH THE WARRANT OF RESTITUTION IS SCHEDULED TO BE EXECUTED**
8 **BY THE SHERIFF.**

9 **(II) THE NOTICE SHALL BE:**

10 **1. MAILED BY FIRST-CLASS MAIL WITH CERTIFICATE OF**
11 **MAILING AT LEAST 14 DAYS BEFORE THE DATE OF EXECUTION; AND**

12 **2. POSTED ON THE PREMISES AT LEAST 7 DAYS BEFORE**
13 **THE DATE OF EXECUTION.**

14 **(III) THE NOTICE SHALL:**

15 **1. STATE THE COURT CASE NUMBER, THE TENANT'S**
16 **NAME, AND THE ADDRESS OF THE LEASED DWELLING;**

17 **2. SPECIFY THE DATE ON WHICH THE EVICTION IS FIRST**
18 **SCHEDULED TO BE EXECUTED;**

19 **3. STATE THAT THE EVICTION WILL BE EXECUTED ON**
20 **THAT DATE UNLESS:**

21 **A. THE TENANT MOVES OUT AND RETURNS CONTROL OF**
22 **THE PROPERTY TO THE LANDLORD; OR**

23 **B. THE TENANT EXERCISES THE RIGHT OF REDEMPTION**
24 **UNDER SUBSECTION (E) OF THIS SECTION, UNLESS THE RIGHT TO REDEEM HAS**
25 **BEEN FORECLOSED OR OTHERWISE IS INAPPLICABLE;**

26 **4. PROMINENTLY WARN THE TENANT THAT ANY**
27 **PROPERTY LEFT IN THE LEASED DWELLING WILL BE CONSIDERED ABANDONED AND**
28 **MAY BE DISPOSED OF ON EXECUTION OF THE WARRANT OF RESTITUTION; AND**

29 **5. STATE THAT IT IS THE FINAL NOTICE OF THE DATE OF**
30 **THE EVICTION, EVEN IF THE EVICTION DATE IS POSTPONED BY THE SHERIFF OR THE**

1 COURT.

2 (IV) A LANDLORD MAY CHARGE THE TENANT FOR EXPENSES
3 INCURRED IN PROVIDING THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF
4 THIS PARAGRAPH, UP TO A MAXIMUM OF \$5.

5 (3) (I) IF THE SHERIFF REASONABLY BELIEVES THAT THE
6 LANDLORD DID NOT PROVIDE THE TENANT WITH THE NOTICE REQUIRED UNDER
7 PARAGRAPH (2) OF THIS SUBSECTION, THE SHERIFF SHALL NOTIFY THE COURT AND
8 MAY NOT EXECUTE THE WARRANT OF RESTITUTION UNTIL FURTHER ORDER OF THE
9 COURT.

10 (II) IF THE COURT FINDS THAT THE LANDLORD DID NOT
11 PROVIDE THE TENANT WITH THE NOTICE REQUIRED UNDER PARAGRAPH (2) OF THIS
12 SUBSECTION, THE COURT SHALL VACATE THE WARRANT OF RESTITUTION.

13 (III) IF THE LANDLORD PROVIDES A COPY OF THE NOTICE,
14 CERTIFICATE OF MAILING, AND SIGNED AFFIDAVIT BY THE PERSON WHO POSTED
15 THE PROPERTY, ALL OF WHICH ARE DATED WITHIN THE PROPER TIME PERIODS
16 REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THERE IS A REBUTTABLE
17 PRESUMPTION THAT THE TENANT WAS NOTIFIED.

18 (4) (I) ALL PROPERTY IN OR ABOUT THE LEASED PREMISES AT THE
19 TIME THAT THE WARRANT OF RESTITUTION IS EXECUTED IS ABANDONED.

20 (II) NEITHER THE LANDLORD NOR SOMEONE ACTING ON THE
21 LANDLORD'S BEHALF IS LIABLE FOR ANY LOSS OR DAMAGE TO ABANDONED
22 PROPERTY.

23 (5) THE LANDLORD SHALL DISPOSE OF ABANDONED EVICTION
24 CHATTELS BY:

25 (I) TRANSPORTING THE CHATTELS TO A LICENSED LANDFILL
26 OR SOLID WASTE FACILITY;

27 (II) DONATING THE CHATTELS TO CHARITY; OR

28 (III) SOME OTHER LEGAL MEANS.

29 (6) UNDER NO CIRCUMSTANCES MAY EVICTION CHATTELS,
30 ABANDONED OR OTHERWISE, BE PLACED IN A PUBLIC RIGHT-OF-WAY OR ON ANY
31 PUBLIC PROPERTY.

1 **(7) (I) ANY PERSON WHO VIOLATES ANY PROVISION OF**
2 **PARAGRAPH (5) OR (6) OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON**
3 **CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.**

4 **(II) EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE**
5 **OFFENSE.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
7 apply only prospectively and may not be applied or interpreted to have any effect on or
8 application to any cause of action for repossession for failure to pay rent brought in Charles
9 County arising before the effective date of this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2019.