

HOUSE BILL 626

N1

0lr3298

By: **Delegate Grammer**

Introduced and read first time: January 29, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Repossession – Disposition of Property**

3 FOR the purpose of establishing that certain chattels and personal property remaining at
4 the time a certain warrant of restitution is executed in Baltimore County are deemed
5 abandoned; establishing that a landlord or a person acting on the landlord's behalf
6 may not be liable for loss or damage to certain abandoned property; authorizing a
7 landlord to dispose of certain abandoned property in a certain manner; and generally
8 relating to repossession in Baltimore County.

9 BY repealing and reenacting, with amendments,
10 Article – Real Property
11 Section 8–401(d)
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2019 Supplement)

14 BY adding to
15 Article – Real Property
16 Section 8–401(d–1)
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2019 Supplement)

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

21 **Article – Real Property**

22 8–401.

23 (d) (1) (i) [Subject] **EXCEPT AS PROVIDED IN SUBSECTION (D–1) OF**
24 **THIS SECTION AND SUBJECT** to the provisions of paragraph (2) of this subsection, if

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 judgment is given in favor of the landlord, and the tenant fails to comply with the
2 requirements of the order within 4 days, the court shall, at any time after the expiration of
3 the 4 days, issue its warrant, directed to any official of the county entitled to serve process,
4 ordering the official to cause the landlord to have again and repossess the property by
5 putting the landlord (or the landlord's duly qualified agent or attorney for the landlord's
6 benefit) in possession thereof, and for that purpose to remove from the property, by force if
7 necessary, all the furniture, implements, tools, goods, effects or other chattels of every
8 description whatsoever belonging to the tenant, or to any person claiming or holding by or
9 under said tenant.

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

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

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

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

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

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

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

30 (ii) When a stay has been granted under this paragraph, the
31 execution of the warrant of restitution for which the stay has been granted shall be given
32 priority and completed within 3 days after the extreme weather conditions cease.

33 **(D-1) (1) THIS SUBSECTION APPLIES ONLY IN BALTIMORE COUNTY.**

34 **(2) ALL CHATTELS AND PERSONAL PROPERTY REMAINING IN OR**
35 **ABOUT THE LEASED PREMISES AT THE TIME THAT A WARRANT OF RESTITUTION IS**
36 **EXECUTED IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION OR § 8-402 OR**

1 § 8-402.1 OF THIS SUBTITLE SHALL BE DEEMED ABANDONED.

2 (3) THE LANDLORD OR ANY PERSON ACTING ON THE LANDLORD'S
3 BEHALF MAY NOT BE LIABLE FOR ANY LOSS OR DAMAGE TO PROPERTY DEEMED
4 ABANDONED UNDER THIS SUBSECTION.

5 (4) THE LANDLORD MAY DISPOSE OF PROPERTY DEEMED
6 ABANDONED UNDER THIS SUBSECTION BY:

7 (I) TRANSPORTATION TO A LICENSED LANDFILL OR SOLID
8 WASTE FACILITY;

9 (II) DONATION TO CHARITY; OR

10 (III) ANY OTHER LEGAL MEANS.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2020.