
By: Senator Hughes

Introduced and read first time: February 2, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant - Extension of Time for Surrender of the Premises**

3 FOR the purpose of expanding the circumstances under which the court may extend the
4 time for the surrender of certain premises by a tenant to the landlord; and generally
5 relating to actions for the surrender of premises under the landlord and tenant laws.

6 BY repealing and reenacting, with amendments,
7 Article - Real Property
8 Section 8-401(c)
9 Annotated Code of Maryland
10 (1996 Replacement Volume)

11 BY repealing and reenacting, with amendments,
12 The Public Local Laws of Baltimore City
13 Section 9-5(a)
14 Article 4 - Public Local Laws of Maryland
15 (1979 Edition and 1991 and 1993 Supplements, as amended)

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

18 **Article - Real Property**

19 8-401.

20 (c) (1) If, at the trial on the fifth day indicated in subsection (b) of this section,
21 the court is satisfied that the interests of justice will be better served by an adjournment
22 to enable either party to procure his necessary witnesses, he may adjourn the trial for a
23 period not exceeding one day, except that if the consent of all parties is obtained, the trial
24 may be adjourned for a longer period of time.

25 (2) If, when the trial occurs, it appears to the satisfaction of the court, that
26 the rent, or any part of the rent, is actually due and unpaid, the court shall determine the
27 amount of rent due and enter a judgment in favor of the landlord for possession of the
28 premises. The court may also give judgment in favor of the landlord for the amount of
29 rent determined to be due together with costs of the suit if the court finds that the actual

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1 service of process made on the defendant would have been sufficient to support a
2 judgment in an action in contract or tort.

3 (3) The court, when entering the judgment, shall also order the tenant to
4 yield and render possession of the premises to the landlord, or his agent or attorney,
5 within two days after the trial.

6 (4) The court may[, upon] EXTEND THE TIME FOR SURRENDER OF THE
7 PREMISES FOR GOOD CAUSE AND AS JUSTICE MAY REQUIRE, INCLUDING THE
8 presentation of a certificate signed by a physician certifying that surrender of the
9 premises within this two-day period would endanger the health or life of the tenant or
10 any other occupant of the premises[, extend the time for surrender of the premises as
11 justice may require]. However, the court may not extend the time for the surrender of the
12 premises beyond 15 days after the trial.

13 (5) However, if the tenant, or someone for him, at the trial, or adjournment
14 of the trial, tenders to the landlord the rent determined by the court to be due and
15 unpaid, together with the costs of the suit, the complaint against the tenant shall be
16 entered as being satisfied.

17 **Article 4 - Baltimore City**

18 9-5.

19 (a) If, at the trial aforesaid, the judge shall be satisfied the interest of justice will
20 be better served by an adjournment, he may adjourn the trial for a period not exceeding
21 seven days, except by consent of the parties, and if at said trial or due adjournment, as
22 aforesaid, it shall appear to the satisfaction of the judge before whom said complaint has
23 been tried as aforesaid, that the rent or any part of the rent for said premises is actually
24 due and unpaid, then the said judge shall give judgment in favor of said lessor for the
25 amount of rent found due, with costs of suit, and shall order that said tenant and all
26 persons claiming or holding by or under said tenant shall yield and render up possession
27 of said premises unto said lessor, or unto his duly qualified agent or attorney within two
28 days thereafter; provided, however, that THE COURT MAY EXTEND THE TIME FOR
29 SURRENDER OF THE PREMISES FOR GOOD CAUSE AND FOR SUCH PERIOD OR
30 PERIODS AS JUSTICE MAY REQUIRE, INCLUDING BUT NOT LIMITED TO THE [upon]
31 presentation of A certificate signed by a practicing physician certifying that surrender of
32 said premises within said period of two days would endanger the health or life of any
33 occupant thereof[, said judge may, at the trial or subsequent thereto, extend the time for
34 such surrender of the premises upon such terms and for such period or periods as he shall
35 deem necessary and just]. If the interval between the filing of the landlord's complaint
36 and the trial of the cause shall be more than three days, any order or judgment of said
37 court with respect to the payment of rent shall include all rent due and unpaid up to and
38 including the day of trial; and the proceedings amended to set forth the basis of said
39 judgment or order.

40 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
41 October 1, 1996.