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**By: Delegates Frank and DeCarlo**

Introduced and read first time: January 31, 1997

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant - Restitution**

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

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

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

13 **Article - Real Property**

14 8-401.

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

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

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

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