
By: Senators Trotter, Young, Lawlah, Hughes, Currie, and Conway

Introduced and read first time: January 30, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant - Eviction - Protection and Removal of Chattel**

3 FOR the purpose of requiring certain notice to a tenant of the date on which the landlord
4 intends to remove the tenant's chattel from the property of the landlord; providing
5 a certain time period for the tenant to remove the tenant's chattel from the
6 landlord's property; requiring a landlord to secure the tenant's chattel during a
7 certain time period; and generally relating to eviction.

8 BY repealing and reenacting, with amendments,
9 Article - Real Property
10 Section 8-401(d)
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1996 Supplement)

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

15 **Article - Real Property**

16 8-401.

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

29 (2) A LANDLORD WHO INTENDS TO REMOVE THE CHATTEL OF THE
30 TENANT AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL:

2

1 (I) ON THE DATE THAT THE WARRANT IS ISSUED, PROVIDE THE
2 TENANT WITH WRITTEN NOTICE OF THE INTENTION OF THE LANDLORD TO REMOVE
3 THE TENANT'S CHATTEL ON A SPECIFIC DATE THAT IS AT LEAST 5 DAYS AFTER THE
4 ISSUANCE OF THE WARRANT; AND

5 (II) IF THE LANDLORD IS IN POSSESSION OF THE PROPERTY:

6 1. PROVIDE THE TENANT WITH ACCESS TO THE PROPERTY
7 FOR THE PURPOSE OF ALLOWING THE TENANT TO REMOVE THE TENANT'S CHATTEL
8 FROM THE PROPERTY WITHIN THE 5-DAY PERIOD BETWEEN THE ISSUANCE OF THE
9 WARRANT AND THE SCHEDULED REMOVAL OF THE CHATTEL BY THE LANDLORD;
10 AND

11 2. SECURE THE PROPERTY TO PREVENT THE THEFT,
12 DESTRUCTION, OR UNAUTHORIZED REMOVAL OF AND OTHERWISE PROTECT THE
13 TENANT'S CHATTEL DURING THE 5-DAY PERIOD.

14 [(2)] (3) (i) The administrative judge of any district may stay the
15 execution of a warrant of restitution, from day to day, in the event of extreme weather
16 conditions.

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

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