

HOUSE BILL 426

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HB 617/98 - ECM

1999 Regular Session
9r1796

By: **Delegate Krysiak**

Introduced and read first time: February 10, 1999

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant - Eviction - Extreme Weather Conditions**

3 FOR the purpose of defining "extreme weather conditions" in a provision of law
4 relating to eviction of tenants; and generally relating to a stay of execution of a
5 warrant of restitution of residential property.

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 1998 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
16 judgment is given in favor of the landlord, and the tenant fails to comply with the
17 requirements of the order within 4 days, the court shall, at any time after the
18 expiration of the 4 days, issue its warrant, directed to any official of the county
19 entitled to serve process, ordering him to cause the landlord to have again and
20 repossess the property by putting him (or his duly qualified agent or attorney for his
21 benefit) in possession thereof, and for that purpose to remove from the property, by
22 force if necessary, all the furniture, implements, tools, goods, effects or other chattels
23 of every description whatsoever belonging to the tenant, or to any person claiming or
24 holding by or under said tenant. If the landlord does not order a warrant of restitution
25 within sixty days from the date of judgment or from the expiration date of any stay of
26 execution, whichever shall be the later, the judgment for possession shall be stricken.

27 (2) (I) IN THIS PARAGRAPH, "EXTREME WEATHER CONDITIONS"
28 MEANS:

1 1. PRECIPITATION IN SUFFICIENT QUANTITY TO
2 SUBSTANTIALLY DAMAGE EXPOSED PERSONAL PROPERTY; OR

3 2. DAYTIME HIGH TEMPERATURES BELOW FREEZING.

4 [(i)] (II) The administrative judge of any district may stay the
5 execution of a warrant of restitution of a residential property, from day to day, in the
6 event of extreme weather conditions.

7 [(ii)] (III) When a stay has been granted under this paragraph, the
8 execution of the warrant of restitution for which the stay has been granted shall be
9 given priority when the extreme weather conditions cease.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 1999.