
By: **Delegate Krysiak**
Introduced and read first time: February 10, 2000
Assigned to: Economic Matters

Committee Report: Favorable
House action: Adopted
Read second time: March 7, 2000

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of requiring that a warrant of restitution of residential property that
4 is stayed by an administrative judge because of extreme weather conditions be
5 executed within a certain number of days after the extreme weather conditions
6 cease; and generally relating to the execution of a warrant of restitution of
7 residential property that was stayed because of extreme weather conditions.

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 1999 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) (i) Subject to the provisions of paragraph (2) of this subsection, if
18 judgment is given in favor of the landlord, and the tenant fails to comply with the
19 requirements of the order within 4 days, the court shall, at any time after the
20 expiration of the 4 days, issue its warrant, directed to any official of the county
21 entitled to serve process, ordering the official to cause the landlord to have again and
22 repossess the property by putting the landlord (or the landlord's duly qualified agent
23 or attorney for the landlord's benefit) in possession thereof, and for that purpose to

1 remove from the property, by force if necessary, all the furniture, implements, tools,
2 goods, effects or other chattels of every description whatsoever belonging to the
3 tenant, or to any person claiming or holding by or under said tenant.

4 (ii) If the landlord does not order a warrant of restitution within
5 sixty days from the date of judgment or from the expiration date of any stay of
6 execution, whichever shall be the later, the judgment for possession shall be stricken.

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

10 (ii) When a stay has been granted under this paragraph, the
11 execution of the warrant of restitution for which the stay has been granted shall be
12 given priority [when] AND COMPLETED WITHIN 3 DAYS AFTER the extreme weather
13 conditions cease.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2000.