

HOUSE BILL 295

N1

71r1898

By: **Delegate Dumais**

Introduced and read first time: January 31, 2007

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Warrant of Restitution – Time Limits**

3 FOR the purpose of requiring a court that enters a judgment for possession of the
4 premises in favor of a landlord for failure of the tenant to pay rent to issue a
5 warrant of restitution within a certain time after the judgment is entered;
6 requiring the official to whom the warrant is directed to execute the warrant
7 within a certain time after receipt of the warrant; and generally relating to
8 issuance and execution of warrants of restitution in certain landlord and tenant
9 cases.

10 BY repealing and reenacting, with amendments,
11 Article – Real Property
12 Section 8–401(d)(1)(i)
13 Annotated Code of Maryland
14 (2003 Replacement Volume and 2006 Supplement)

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

17 **Article – Real Property**

18 8–401.

19 (d) (1) (i) Subject to the provisions of paragraph (2) of this subsection,
20 if judgment is given in favor of the landlord, and the tenant fails to comply with the
21 requirements of the order within 4 days, the court shall, at any time after the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 expiration of the 4 days, **BUT NO LATER THAN 10 DAYS AFTER THE JUDGMENT IS**
2 **ENTERED**, issue its warrant, directed to any official of the county entitled to serve
3 process, ordering the official to cause the landlord to have again and repossess the
4 property by putting the landlord (or the landlord's duly qualified agent or attorney for
5 the landlord's benefit) in possession thereof **WITHIN 10 DAYS AFTER THE OFFICIAL**
6 **RECEIVES THE WARRANT**, and for that purpose to remove from the property, by force
7 if necessary, all the furniture, implements, tools, goods, effects or other chattels of
8 every description whatsoever belonging to the tenant, or to any person claiming or
9 holding by or under said tenant.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2007.