

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

House Bill 922

(Delegate Hucker, *et al.*)

Environmental Matters

Judicial Proceedings

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**Landlord and Tenant - Expiration of Warrant - Striking Judgment for Possession**

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This bill provides that a judgment for a landlord's possession of leased premises applies toward the number of judgments that disqualify a tenant from the statutory right to redeem the leased premises even if the landlord does not order a warrant of restitution. The bill also provides that if the landlord orders a warrant of restitution but does not take action on it within 60 days from the date of the order, or the date of the extension if the court issues one, the warrant expires and the judgment is stricken. The judgment applies toward the statutory right to redeem the leased premises, unless the court in its discretion determines that it may not apply toward the right to redeem.

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**Fiscal Summary**

**State Effect:** The bill would not materially affect the finances or operations of the Judiciary.

**Local Effect:** Any change in local government operations would not materially affect local government finances.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** When a tenant fails to pay rent, the landlord is entitled to repossession of the premises through filing an action in District Court. If the court finds in favor of the landlord, the court must order that possession of the premises be given to the landlord

within four days after trial. However, the tenant may still pay the past due rent and late fees. If the tenant does so, judgment is for the tenant. If the judgment is in favor of the landlord and the tenant fails to pay the past due rent and late fees, the court must issue its warrant directed to any official of the county entitled to serve process, ordering the official to give the landlord possession of the premises and to remove, by force if necessary, the personal property of the tenant and anyone claiming or holding by or under the tenant.

If a landlord does not order a warrant of restitution within 60 days from the later of the date of the judgment or the expiration date of any stay of execution, the judgment for possession must be stricken.

Generally, the tenant also has a right to redeem the leased premises after the landlord is awarded a judgment by giving the landlord or the landlord's agent all past due amounts, as determined by the court, plus all court awarded costs and fees, at any time before the execution of the eviction order. The tenant may pay in cash, by certified check, or by money order. However, this right to redeem does not apply if the tenant has had three judgments of possession entered for rent due and unpaid in the 12 months prior to the action in eviction for which the tenant is attempting to redeem.

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### **Additional Information**

**Prior Introductions:** A similar bill, HB 1593 of 2006, passed the House and was referred to the Senate Rules Committee. The bill was re-referred to the Senate Judicial Proceedings Committee where it received a hearing but no further action was taken.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Office of the Attorney General (Consumer Protection Division), Baltimore City, Department of Legislative Services

**Fiscal Note History:** First Reader - March 13, 2007  
ncs/jr

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