

# HOUSE BILL 1309

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By: **Delegates Adams, McKay, Thiam, and Wivell**

Introduced and read first time: February 11, 2022

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Repossession for Failure to Pay Rent – Procedures**

3 FOR the purpose of authorizing a landlord to repossess property for failure to pay rent in a  
4 certain manner under certain circumstances; requiring the landlord to provide notice  
5 to a tenant in a certain manner; requiring a sheriff to notify the District Court if the  
6 sheriff reasonably believes notice has not been provided and prohibiting the sheriff  
7 from executing the warrant of restitution under certain circumstances; requiring the  
8 District Court to vacate a warrant of execution under certain circumstances;  
9 establishing certain rules for chattels and personal property remaining at the time  
10 a warrant of restitution is executed; and generally relating to repossession for failure  
11 to pay rent.

12 BY repealing and reenacting, with amendments,  
13 Article – Real Property  
14 Section 8–401(f)  
15 Annotated Code of Maryland  
16 (2015 Replacement Volume and 2021 Supplement)

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

19 **Article – Real Property**

20 8–401.

21 (f) (1) (i) Subject to the provisions of **SUBPARAGRAPH (X) OF THIS**  
22 **PARAGRAPH AND PARAGRAPH (2)** of this subsection, if judgment is given in favor of the  
23 landlord, [and the tenant fails to comply with the requirements of the order within 4 days,  
24 the court shall, at any time after the expiration of the 4 days, issue its warrant, directed to  
25 any official of the county entitled to serve process, ordering the official to cause the landlord

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 to have again and repossess the property by putting the landlord (or the landlord's duly  
2 qualified agent or attorney for the landlord's benefit) in possession thereof, and for that  
3 purpose to remove from the property, by force if necessary, all the furniture, implements,  
4 tools, goods, effects or other chattels of every description whatsoever belonging to the  
5 tenant, or to any person claiming or holding by or under said tenant] **THE LANDLORD,  
6 THE LANDLORD'S DULY QUALIFIED AGENT, OR THE LANDLORD'S ATTORNEY MAY  
7 PROVIDE FOR REPOSSESSION OF THE PROPERTY BY NOTIFYING THE TENANT OF THE  
8 INTENDED REPOSSESSION IN WRITING:**

9 **1. SENT BY FIRST-CLASS MAIL WITH CERTIFICATE OF  
10 MAILING, AT LEAST 14 DAYS BEFORE THE INTENDED DATE OF REPOSSESSION; AND**

11 **2. POSTED ON THE LEASED PREMISES AT LEAST 7 DAYS  
12 BEFORE THE INTENDED DATE OF REPOSSESSION.**

13 **(II) THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS  
14 PARAGRAPH SHALL INCLUDE:**

15 **1. THE DISTRICT COURT SUMMARY EJECTMENT CASE  
16 NUMBER;**

17 **2. THE TENANT'S NAME AS STATED IN THE LEASE OR  
18 OTHERWISE AGREED TO BY THE LANDLORD;**

19 **3. THE ADDRESS OF THE LEASED PREMISES;**

20 **4. THE DATE ON WHICH THE WARRANT OF RESTITUTION  
21 WAS ORDERED BY THE DISTRICT COURT;**

22 **5. A STATEMENT THAT THE REPOSSESSION MAY OCCUR  
23 UNLESS THE TENANT:**

24 **A. RETURNS CONTROL OF THE LEASED PREMISES TO  
25 THE LANDLORD; OR**

26 **B. EXERCISES THE RIGHT TO REDEMPTION UNDER  
27 SUBSECTION (G) OF THIS SECTION, IF AVAILABLE;**

28 **6. A STATEMENT THAT IF THE REPOSSESSION OCCURS,  
29 ALL PROPERTY REMAINING IN THE LEASED PREMISES WILL BE CONSIDERED  
30 ABANDONED AND MAY BE DISPOSED OF ON EXECUTION OF THE WARRANT OF  
31 RESTITUTION; AND**

1                   7.    A STATEMENT THAT THE NOTICE IS THE FINAL  
2 NOTICE TO THE TENANT OF THE INTENDED REPOSSESSION, EVEN IF THE  
3 REPOSSESSION IS STAYED UNDER SUBSECTION (D)(2) OF THIS SECTION.

4                   (III) THERE IS A REBUTTABLE PRESUMPTION THAT THE TENANT  
5 WAS NOTIFIED AS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF  
6 THE LANDLORD PROVIDES:

7                   1.    THE CERTIFICATE OF MAILING; AND

8                   2.    A SIGNED AFFIDAVIT OF THE PERSON WHO POSTED  
9 THE NOTICE ON THE LEASED PREMISES.

10                  (IV) 1.    IF THE SHERIFF REASONABLY BELIEVES THAT THE  
11 LANDLORD HAS NOT PROVIDED THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I)  
12 OF THIS PARAGRAPH, THE SHERIFF:

13                  A.    SHALL NOTIFY THE DISTRICT COURT; AND

14                  B.    MAY NOT EXECUTE THE WARRANT OF RESTITUTION  
15 WITHOUT FURTHER ORDER OF THE DISTRICT COURT.

16                  2.    IF THE DISTRICT COURT FINDS THAT THE LANDLORD  
17 DID NOT PROVIDE THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS  
18 PARAGRAPH, THE DISTRICT COURT SHALL VACATE THE WARRANT OF RESTITUTION.

19                  (V)   EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS  
20 PARAGRAPH, IF THE LANDLORD PRESENTS THE DOCUMENTATION LISTED IN  
21 SUBPARAGRAPH (III) OF THIS PARAGRAPH, ANY OFFICIAL OF THE COUNTY  
22 ENTITLED TO SERVE PROCESS MAY EXECUTE THE WARRANT BY PUTTING THE  
23 LANDLORD, THE LANDLORD'S DULY QUALIFIED AGENT, OR THE LANDLORD'S  
24 ATTORNEY IN POSSESSION OF THE PREMISES, WITHOUT REMOVAL OF ANY  
25 CHATTELS OR PERSONAL PROPERTY FROM THE PREMISES.

26                  (VI)  ALL CHATTELS AND PERSONAL PROPERTY REMAINING IN  
27 OR ABOUT THE LEASED PREMISES AT THE TIME THAT THE WARRANT OF  
28 RESTITUTION IS EXECUTED IN ACCORDANCE WITH THIS SUBSECTION SHALL BE  
29 DEEMED ABANDONED.

30                  (VII) THE LANDLORD OR ANY PERSON ACTING ON THE  
31 LANDLORD'S BEHALF MAY NOT BE LIABLE FOR ANY LOSS OR DAMAGE TO PROPERTY  
32 DEEMED ABANDONED UNDER THIS SUBSECTION.

**(VIII) THE LANDLORD MAY DISPOSE OF ABANDONED PROPERTY****BY:**

1. **TRANSPORTATION TO A LICENSED LANDFILL OR SOLID WASTE FACILITY;**

2. **DONATION TO CHARITY; OR**

3. **ANY OTHER LEGAL MEANS.**

**(IX) PROPERTY DEEMED ABANDONED UNDER THIS SUBSECTION MAY NOT BE PLACED IN A PUBLIC RIGHT-OF-WAY OR ON ANY PUBLIC PROPERTY.**

**[(ii) (X)]** If the landlord does not order a warrant of restitution within sixty days from the date of judgment or from the expiration date of any stay of execution, whichever shall be the later:

1. The judgment for possession shall be stricken; and

2. The judgment shall be applied to the number of judgments necessary to foreclose a tenant's right to redemption of the leased premises as established in subsection (g)(2) of this section unless the court in its discretion determines that the judgment may not apply for purposes of subsection (g)(2) of this section.

**[(iii) (XI)]** If the landlord orders a warrant of restitution but takes no action on the warrant within 60 days from the later of the date the court issues the order for the warrant or the date as otherwise extended by the court:

1. The warrant of restitution shall expire and the judgment for possession shall be stricken; and

2. The judgment shall be applied to the number of judgments necessary to foreclose a tenant's right to redemption of the leased premises as established in subsection (g)(2) of this section unless the court in its discretion determines that the judgment may not apply for purposes of subsection (g)(2) of this section.

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

(ii) When a stay has been granted under this paragraph, the execution of the warrant of restitution for which the stay has been granted shall be given priority and completed within 3 days after the extreme weather conditions cease.

**SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or

1 application to any cause of action for repossession for failure to pay rent arising before the  
2 effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2022.