

Article - Real Property

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§8–407.

(a) This section applies to a warrant of restitution issued to a landlord to take possession of residential property under § 8–401, § 8–402, or § 8–402.1 of this subtitle or an equivalent provision of public local law.

(b) (1) Subject to subsection (e) of this section, after a court has issued a warrant of restitution, the landlord shall, at least 6 days before the scheduled date of repossession as set by the sheriff, provide written notice to the tenant of the date on which the warrant of restitution is scheduled to be executed by:

(i) Sending the notice by first-class mail with certificate of mailing;

(ii) Posting the notice on the front door of the leased premises and taking a date-stamped photograph of the notice posted on the front door; and

(iii) If the landlord knows or has on file the e-mail address or cellphone number of the tenant, sending the notice electronically to the tenant by an e-mail message or a text message.

(2) The notice required under paragraph (1) of this subsection shall include:

(i) The District Court case number;

(ii) The tenant's name as stated in the summary ejectment case;

(iii) The address of the leased premises;

(iv) The date on which the warrant of restitution was ordered by the court;

(v) The initial scheduled date of the eviction;

(vi) A statement that the repossession may occur unless the tenant:

1. Returns possession of the leased premises to the landlord; or

2. For a warrant of restitution issued under § 8–401 of this subtitle, exercises the right to redemption under § 8–401 of this subtitle, if available;

(vii) If the tenant still has a right to redemption of the leased premises under § 8–401(h) of this subtitle, a statement showing the amount still due to redeem the property;

(viii) A statement that the notice is the final notice to the tenant of the intended repossession, even if the repossession is stayed for any reason;

(ix) The following statement:

“You could lose all your personal belongings left inside your home when the eviction occurs. Local laws and practices about disposal of any of your personal belongings upon eviction vary.

You may seek advice by calling 211 for a legal referral or by contacting the District Court Help Center at (insert the telephone number for the District Court Help Center) or (insert the address for the website of the District Court Help Center) to speak to an attorney.”; and

(x) The telephone number, e-mail address, and mailing address at which the landlord may be contacted.

(3) A landlord may charge the tenant for expenses actually incurred in providing notice under paragraph (1) of this subsection in an amount not to exceed \$5.

(4) There is a rebuttable presumption that a tenant was notified as required under paragraph (1) of this subsection if the landlord provides to the sheriff or constable:

(i) The certificate of mailing;

(ii) A photograph of the notice posted on the front door of the leased premises containing a readable timestamp indicating the date and time that the notice was posted; and

(iii) A signed affidavit of the person who posted the notice on the front door of the leased premises.

(5) (i) If the sheriff reasonably believes that the landlord has not provided the notice required under paragraph (1) of this subsection or that the tenant may have redeemed the property, the sheriff:

1. Shall notify the District Court; and
2. May not execute the warrant of restitution without further order of the District Court.

(ii) If the District Court finds that the landlord did not provide the notice required under paragraph (1) of this subsection, the District Court shall vacate the warrant of restitution.

(c) Except as provided in subsection (b)(5) of this section, if the landlord presents the documentation listed in subsection (b)(1) of this section, the sheriff or constable shall:

- (1) File the documentation with the clerk of the court; and
- (2) Subject to § 14–806 of this article, execute the warrant of restitution by putting the landlord in possession of the premises.

(d) If a tenant is not present during the execution of the warrant of restitution, the sheriff or constable shall post a notice on the front door of the premises stating that repossession of the premises has been completed.

(e) Nothing in this section may be interpreted to restrict the authority of local jurisdictions to enact or enforce legislation that:

- (1) Increases the minimum number of days of notice required in subsection (b)(1) of this section to as many as 14 days;
- (2) Decreases the minimum number of days of notice required in subsection (b)(1) of this section to as few as 4 days; or
- (3) Establishes penalties for a violation of this section.

(f) If a court finds in favor of a tenant based on a violation of this section, the tenant is entitled to:

- (1) Actual damages;
- (2) Reasonable attorney's fees and costs;

(3) Injunctive relief to recover possession of the leased premises or personal property; or

(4) Any other remedy the court may find reasonable.

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