

By: Representatives Johnson (87th), Wilson

To: Judiciary A

HOUSE BILL NO. 548

1 AN ACT TO AMEND SECTION 89-7-27, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE A TENANT TO BE REMOVED FROM THE PREMISES WHEN THE TENANT
3 HOLDS OVER WITHOUT THE LANDLORD'S PERMISSION OR DEFAULTS ON HIS OR
4 HER RENT PAYMENT; TO ALLOW NOTICE TO A HOLDOVER OR DEFAULTING
5 TENANT VIA EMAIL OR TEXT MESSAGE; TO AMEND SECTION 89-7-29,
6 MISSISSIPPI CODE OF 1972, TO REQUIRE REMOVAL OF A TENANT FOR
7 NONPAYMENT OF RENT AND ANY LATE FEES; TO AMEND SECTION 89-7-31,
8 MISSISSIPPI CODE OF 1972, TO MAKE MINOR NONSUBSTANTIVE CHANGES; TO
9 AMEND SECTION 89-7-39, MISSISSIPPI CODE OF 1972, TO PROHIBIT
10 ADJOURNMENTS DURING HEARINGS FOR EVICTION DUE TO THE NONPAYMENT OF
11 RENT FOR ALLOWING THE HEARING TO EXTEND BEYOND A PERIOD OF MORE
12 THAN 30 DAYS; TO AMEND SECTION 89-7-45, MISSISSIPPI CODE OF 1972,
13 TO REQUIRE ANY LATE FEES ACCRUED UNDER THE RENTAL AGREEMENT TO
14 ALSO BE PAID BEFORE THE ISSUANCE OF A WARRANT WILL BE STAYED; TO
15 REMOVE THE ABILITY OF A TENANT TO GIVE SATISFACTORY SECURITY
16 INSTEAD OF PAYING THE RENT DUE; TO AMEND SECTION 89-7-49,
17 MISSISSIPPI CODE OF 1972, TO REMOVE THE DISCRETION OF THE JUSTICE
18 COURT JUDGE TO PUT THE LANDLORD IN POSSESSION OF THE PREMISES WHEN
19 A TENANT FAILS TO PAY RENT; TO AMEND SECTION 89-8-7, MISSISSIPPI
20 CODE OF 1972, TO EXPAND THE DEFINITION OF "RENT" TO INCLUDE ANY
21 LATE FEES THAT A DEFAULTING TENANT IS REQUIRED TO PAY UNDER THE
22 RENTAL AGREEMENT; TO AMEND SECTION 89-8-13, MISSISSIPPI CODE OF
23 1972, TO REVISE THE NOTICE REQUIRED TO BE GIVEN WHEN A RENTAL
24 AGREEMENT IS BREACHED FROM THIRTY DAYS TO FOURTEEN DAYS; TO BRING
25 FORWARD SECTIONS 89-7-7, 89-7-25, 89-7-35, 89-7-37, 89-7-41,
26 89-8-11, 89-8-17, 11-25-11, 11-25-19, 11-25-21, 11-25-23,
27 11-25-109, 11-25-111 AND 11-25-113, MISSISSIPPI CODE OF 1972, FOR
28 THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

30 **SECTION 1.** Section 89-7-27, Mississippi Code of 1972, is
31 amended as follows:



32 89-7-27. A tenant or lessee at will or at sufferance, or for
33 part of a year, or for one or more years, of any houses, lands, or
34 tenements, and the assigns, under-tenants, or legal
35 representatives of such tenant or lessee, * * * shall be removed
36 from the premises by the judge of the county court, any justice of
37 the peace of the county, or by the mayor or police justice of any
38 city, town, or village where the premises, or some part thereof,
39 are situated, in the following cases, to wit:

40 **First.** Where such tenant shall hold over and continue in
41 possession of the demised premises, or any part thereof, after the
42 expiration of his or her term, without the permission of the
43 landlord.

44 **Second.** After any default in the payment of the rent
45 pursuant to the agreement under which such premises are held, and
46 when complete satisfaction of the rent and any late fees due
47 cannot be obtained by distress of goods, and three (3) days'
48 notice, in writing or by email or text message if the person who
49 owes the rent has provided an email address or number to a
50 cellular phone that is capable of receiving text messages,
51 requiring the payment of such rent or the possession of the
52 premises, shall have been served by the person entitled to the
53 rent on the person * * * who owes the rent. Notice shall be
54 proper and accepted by the court whether given in writing, by
55 email or by text message.



56 **SECTION 2.** Section 89-7-29, Mississippi Code of 1972, is
57 amended as follows:

58 89-7-29. The landlord or lessor, his or her legal
59 representatives, agents, or assigns, in order to have the benefit
60 of such proceedings, shall * * * present to the court a sworn
61 affidavit that contains the facts which, according to * * *
62 Section 89-7-27, * * * require the removal of the tenant,
63 describing * * * in the affidavit the premises claimed and the
64 amount of rent and any late fees due and when payable, and that
65 the necessary notice has been given to terminate such tenancy.
66 These facts shall be based on the rental agreement signed or
67 agreed to by the landlord or lessor, his or her legal
68 representatives, agents, or assigns, and the tenant. The court
69 shall initiate the removal of the tenant for the nonpayment of
70 rent upon receipt of this sworn affidavit.

71 **SECTION 3.** Section 89-7-31, Mississippi Code of 1972, is
72 amended as follows:

73 89-7-31. (1) On receiving the affidavit, the county judge,
74 justice court judge, municipal judge, or other officer shall issue
75 a summons, directed to the sheriff or any constable of the county,
76 or the marshal of the municipality in which the premises, or some
77 part thereof, are situated, describing the premises, and
78 commanding him or her to require the person in possession of the
79 same or claiming the possession thereof, immediately to remove
80 from the premises, or to show cause before the justice court judge



81 or other officer, on a day to be named not less than three (3) nor
82 more than five (5) days from the date of the summons, why
83 possession of the premises should not be delivered to the
84 applicant.

85 (2) In addition to other information required for the
86 summons, the summons shall state: "At the hearing, a judge will
87 determine if the landlord is granted exclusive possession of the
88 premises. If the judge grants possession of the premises to the
89 landlord and you do not remove your personal property, including
90 any manufactured home, from the premises before the date and time
91 ordered by the judge, then the landlord may dispose of your
92 personal property without any further legal action."

93 **SECTION 4.** Section 89-7-39, Mississippi Code of 1972, is
94 amended as follows:

95 89-7-39. The magistrate may, at the request of either party,
96 adjourn the hearing from time to time, one (1) adjournment not to
97 exceed ten (10) days, except by consent, and may issue subpoenas
98 and attachments to compel the attendance of witnesses. However,
99 in hearings for eviction due to the nonpayment of rent, no
100 adjournment shall extend the entire hearing beyond a period of
101 more than thirty (30) days from the date the nonpayment of rent
102 occurred.

103 **SECTION 5.** Section 89-7-45, Mississippi Code of 1972, is
104 amended as follows:



105 89-7-45. If the proceedings be founded upon the nonpayment
106 of rent, the issuance of the warrant for the removal of the tenant
107 shall be stayed if the person owing the rent shall, before the
108 warrant be actually issued, pay the full and complete amount of
109 rent due, including any late fees that have accrued as a result of
110 the nonpayment of rent as provided in the rental agreement, and
111 the costs of the proceedings, * * * to the person entitled to the
112 rent, for the payment thereof and costs in ten (10) days; and if
113 the rent and costs shall not be paid accordingly, the warrant
114 shall then issue as if the proceedings had not been stayed.

115 **SECTION 6.** Section 89-7-49, Mississippi Code of 1972, is
116 amended as follows:

117 89-7-49. If a tenant of lands, being in arrear for rent,
118 shall desert the demised premises and leave the same uncultivated
119 or unoccupied, so that a sufficient distress cannot be had to
120 satisfy the arrears of rent, any constable of the county may, at
121 the request of the landlord, and upon due proof by affidavit that
122 the premises have been deserted, leaving rent in arrear, and not
123 sufficient distress thereon, go upon and view the premises, and
124 upon being satisfied that the premises have been so deserted, he
125 or she shall affix a notice, in writing, upon a conspicuous part
126 of the premises, stating what day he or she will return to take a
127 second view thereof, not less than five (5) days nor more than
128 fifteen (15) days thereafter, and requiring the tenant then to
129 appear and pay the rent and any late fees due. At the time



130 specified in the notice the constable shall again view the
131 premises, and if, upon second view, the tenant shall not pay the
132 rent and any late fees due, or there shall not be sufficient
133 distress upon the premises, then the justice court * * * shall
134 immediately or within forty-eight (48) hours put the landlord in
135 possession of the premises, and the lease thereof to such tenant
136 shall become void. The tenant may appeal to the circuit court
137 from the proceedings of the justice court at any time within
138 thirty (30) days after possession delivered, by serving notice in
139 writing thereof upon the landlord, and by giving bond, with
140 sufficient sureties, to be approved by the justice court, for the
141 payment to the landlord of the costs of appeal, which may be
142 adjudged against the tenant; and thereupon the justice court shall
143 return the proceedings before him or her to the next term of the
144 circuit court, and * * * the court shall, at the return term,
145 examine the proceedings in a summary way, and may order
146 restitution to be made to the tenant, with costs of appeal, to be
147 paid by the landlord; or in case of affirming the proceedings,
148 shall award costs against the tenant and sureties in his or her
149 bond.

150 **SECTION 7.** Section 89-8-7, Mississippi Code of 1972, is
151 amended as follows:

152 89-8-7. (1) Subject to additional definitions contained in
153 subsequent sections of this chapter which apply to specific



154 sections or parts thereof, and unless the context otherwise
155 requires, in this chapter:

156 (a) "Building and housing codes" includes any law,
157 ordinance, or governmental regulation concerning fitness for
158 habitation, construction, maintenance, operation, occupancy or use
159 of any premises or dwelling unit;

160 (b) "Dwelling unit" means a structure or the part of a
161 structure that is used as a home, residence or sleeping place by
162 one (1) person who maintains a household or by two (2) or more
163 persons who maintain a common household;

164 (c) "Good faith" means honesty in fact in the conduct
165 of the transaction concerned and observation of reasonable
166 community standards of fair dealing;

167 (d) "Landlord" means the owner, lessor or sublessor of
168 the dwelling unit or the building of which it is a part, or the
169 agent representing such owner, lessor or sublessor;

170 (e) "Organization" includes a corporation, government,
171 governmental subdivision or agency, business trust, estate, trust,
172 partnership or association, two (2) or more persons having a joint
173 or common interest, and any other legal or commercial entity;

174 (f) "Owner" means one or more persons, jointly or
175 severally, in whom is vested (i) all or part of the legal title to
176 property or (ii) all or part of the beneficial ownership and a
177 right to present use and enjoyment of the premises, and the term
178 includes a mortgagee in possession;



179 (g) "Premises" means a dwelling unit and the structure
180 of which it is a part, facilities and appurtenances therein, and
181 grounds, areas and facilities held out for the use of tenants
182 generally or whose use is promised to the tenant;

183 (h) "Rent" means all payments to be made to the
184 landlord under the rental agreement including any late fees that
185 are required to be paid under the rental agreement by a defaulting
186 tenant;

187 (i) "Rental agreement" means all agreements, written or
188 oral, and valid rules and regulations adopted under Section
189 89-8-11 embodying the terms and conditions concerning the use and
190 occupancy of a dwelling unit and premises;

191 (j) "Tenant" means a person entitled under a rental
192 agreement to occupy a dwelling unit to the exclusion of others;

193 (k) "Qualified tenant management organizations" means
194 any organization incorporated under the Mississippi Nonprofit
195 Corporation Act, a majority of the directors of which are tenants
196 of the housing project to be managed under a contract authorized
197 by this section and which is able to conform to standards set by
198 the United States Department of Housing and Urban Development as
199 capable of satisfactorily performing the operational and
200 management functions delegated to it by the contract.

201 (2) For purposes of giving any notice required under this
202 chapter, notice given to the agent of the landlord is equivalent
203 to giving notice to the landlord. The landlord may contract with



204 an agent to assume all the rights and duties of the landlord under
205 this chapter; provided, however, that such a contract does not
206 relieve the landlord of ultimate liability in regard to such
207 rights and duties.

208 **SECTION 8.** Section 89-8-13, Mississippi Code of 1972, is
209 amended as follows:

210 89-8-13. (1) If there is a material noncompliance by the
211 tenant with the rental agreement or the obligations imposed by
212 Section 89-8-25, the landlord may terminate the tenancy as set out
213 in subsection (3) of this section or resort to any other remedy at
214 law or in equity except as prohibited by this chapter.

215 (2) If there is a material noncompliance by the landlord
216 with the rental agreement or the obligations imposed by Section
217 89-8-23, the tenant may terminate the tenancy as set out in
218 subsection (3) of this section or resort to any other remedy at
219 law or in equity except as prohibited by this chapter.

220 (3) The nonbreaching party may deliver a * * * notice in
221 writing or by email or text message if the person who owes the
222 rent has provided an email address or number to a cellular phone
223 that is capable of receiving text messages, to the party in breach
224 specifying the acts and omissions constituting the breach and that
225 the rental agreement will terminate upon a date not less
226 than * * * fourteen (14) days after receipt of the notice if the
227 breach is not remedied within a reasonable time not in excess
228 of * * * fourteen (14) days; and the rental agreement shall



229 terminate and the tenant shall surrender possession as provided in
230 the notice subject to the following:

231 (a) If the breach is remediable by repairs, the payment
232 of damages, or otherwise, and the breaching party adequately
233 remedies the breach * * * before the date specified in the notice,
234 the rental agreement shall not terminate;

235 (b) In the absence of a showing of due care by the
236 breaching party, if substantially the same act or omission which
237 constituted a prior noncompliance of which notice was given recurs
238 within six (6) months, the nonbreaching party may terminate the
239 rental agreement upon at least fourteen (14) days' * * * notice in
240 writing or by email or text message if the person who owes the
241 rent has provided an email address or number to a cellular phone
242 that is capable of receiving text messages, specifying the breach
243 and the date of termination of the rental agreement;

244 (c) Neither party may terminate for a condition caused
245 by his own deliberate or negligent act or omission or that of a
246 member of his family or other person on the premises with his
247 consent.

248 (4) If the rental agreement is terminated, the landlord
249 shall return all prepaid and unearned rent and security
250 recoverable by the tenant under Section 89-8-21.

251 (5) (a) * * * If the material noncompliance by the tenant
252 is the nonpayment of rent pursuant to the rental agreement, the
253 landlord shall not be required to deliver * * * fourteen (14)



254 days' * * * notice as provided by subsection (3) of this section.
255 In such event, the landlord may seek removal of the tenant from
256 the premises in the manner and with the notice prescribed by
257 Chapter 7, Title 89, Mississippi Code of 1972, and may file for
258 eviction on the first day the nonpayment of rent occurs as
259 provided in the rental agreement.

260 (b) Any justice court judge or other judge presiding
261 over a hearing in which a landlord seeks to remove a tenant for
262 the nonpayment of rent shall abide by the provisions of the rental
263 agreement that was signed by the landlord and the defaulting
264 tenant. If the defaulting tenant fails to remedy the nonpayment
265 of rent as provided in Chapter 7, Title 89, Mississippi Code of
266 1972, the justice court judge or other judge presiding over the
267 hearing shall have the tenant removed from the premises within
268 thirty (30) days of the date rent and any late fees due were not
269 timely paid.

270 (c) The landlord shall not be held liable for any water
271 bill, electricity bill, or other similar bill that was left unpaid
272 by the defaulting tenant.

273 (6) Disposition of personal property, including any
274 manufactured home, of a tenant remaining on the landlord's
275 premises after the tenant has been removed from the premises shall
276 be governed by Section 89-7-35(2) or Section 89-7-41(2).

277 **SECTION 9.** Section 89-7-7, Mississippi Code of 1972, is
278 brought forward as follows:



279 89-7-7. A person having rent in arrear or due upon any lease
280 or demise of lands for life or lives, for years, at will, or
281 otherwise, may bring an action for such arrears of rent against
282 the person who ought to have paid the same or his legal
283 representative.

284 **SECTION 10.** Section 89-7-25, Mississippi Code of 1972, is
285 brought forward as follows:

286 89-7-25. When a tenant, being lawfully notified by his
287 landlord, shall fail or refuse to quit the demised premises and
288 deliver up the same as required by the notice, or when a tenant
289 shall give notice of his intention to quit the premises at a time
290 specified, and shall not deliver up the premises at the time
291 appointed, he shall, in either case, thenceforward pay to the
292 landlord double the rent which he should otherwise have paid, to
293 be levied, sued for, and recovered as the single rent before the
294 giving of notice could be; and double rent shall continue to be
295 paid during all the time the tenant shall so continue in
296 possession.

297 **SECTION 11.** Section 89-7-35, Mississippi Code of 1972, is
298 brought forward as follows:

299 89-7-35. (1) If, at the time appointed, it appears that the
300 summons has been duly served, and if sufficient cause is not shown
301 to the contrary, the magistrate shall issue his warrant to the
302 sheriff or any constable of the county, or to a marshal of the
303 municipality in which the premises, or some part thereof, are



304 situated, commanding him to remove all persons from the premises,
305 and to put the applicant into full possession thereof.

306 (2) If the summons complied with the requirements of Section
307 89-7-31(2) and if the tenant has failed to remove any of tenant's
308 personal property, including any manufactured home, from the
309 premises, then, if the judge has not made some other finding
310 regarding the disposition of any personal property in the vacated
311 premises, the personal property shall be deemed abandoned and may
312 be disposed of by the landlord without further notice or
313 obligation to the tenant.

314 **SECTION 12.** Section 89-7-37, Mississippi Code of 1972, is
315 brought forward as follows:

316 89-7-37. The person in possession of such premises, or any
317 person claiming possession thereof, may, at or before the time
318 appointed in the summons for showing cause, file an affidavit with
319 the magistrate who issued the same, denying the facts upon which
320 the summons was issued; and the matters thus controverted may be
321 tried by the magistrate.

322 **SECTION 13.** Section 89-7-41, Mississippi Code of 1972, is
323 brought forward as follows:

324 89-7-41. (1) If the decision is in favor of the landlord or
325 other person claiming the possession of the premises, the
326 magistrate shall issue his warrant to the sheriff, constable, or
327 other officer, commanding him immediately to put the landlord or
328 other person into possession of the premises, and to levy the



329 costs of the proceedings of the goods and chattels, lands and
330 tenements, of the tenant or person in possession of the premises
331 who shall have controverted the right of the landlord or other
332 person.

333 (2) If the summons complied with the requirements of Section
334 89-7-31(2) and if the tenant has failed to remove any of tenant's
335 personal property, including any manufactured home, from the
336 premises, then, if the judge has not made some other finding
337 regarding the disposition of any personal property in the vacated
338 premises, the personal property shall be deemed abandoned and may
339 be disposed of by the landlord without further notice or
340 obligation to the tenant.

341 **SECTION 14.** Section 89-8-11, Mississippi Code of 1972, is
342 brought forward as follows:

343 89-8-11. (1) A landlord may, from time to time, adopt rules
344 or regulations, however described, concerning the tenant's use and
345 occupancy of the premises. They are enforceable against the
346 tenant only if:

347 (a) Their purpose is to promote the convenience, safety
348 or welfare of the tenants in the premises, preserve the landlord's
349 property from abuse, or make a fair distribution of services and
350 facilities provided for the tenants generally;

351 (b) They are reasonably related to the purpose for
352 which they are adopted;



353 (c) They apply to all tenants in the premises in a fair
354 manner;

355 (d) They are sufficiently explicit in their
356 prohibition, direction or limitation of the tenant's conduct to
357 fairly inform him of what he must or must not do to comply;

358 (e) They are not for the purpose of evading the
359 obligations of the landlord.

360 (2) A rule or regulation adopted or amended after the tenant
361 enters into the rental agreement is enforceable against the tenant
362 if reasonable notice of its adoption or amendment is given to the
363 tenant and it does not work a substantial modification of the
364 rental agreement.

365 (3) If the dwelling unit is an apartment in a horizontal
366 property regime, the tenant shall comply with the bylaws of the
367 association of the apartment owners; and if the dwelling unit is
368 an apartment in a cooperative housing corporation, the tenant
369 shall comply with the bylaws of the corporation.

370 (4) Unless otherwise agreed, the tenant shall occupy his
371 dwelling unit only as a dwelling unit.

372 **SECTION 15.** Section 89-8-17, Mississippi Code of 1972, is
373 brought forward as follows:

374 89-8-17. Notwithstanding the provisions of Section 89-8-13,
375 the landlord may, at any time after the expiration of a rental
376 agreement, recover possession of the dwelling unit, cause the
377 tenant to quit the dwelling unit involuntarily, demand an increase



378 in rent or decrease the services to which the tenant has been
379 entitled in accordance with any other provisions of this chapter,
380 if such actions by the landlord did not have the dominant purpose
381 of retaliation against the tenant for his actions authorized under
382 this chapter and the landlord received written notice of each
383 condition which was the subject of such actions of the tenant.

384 **SECTION 16.** Section 11-25-11, Mississippi Code of 1972, is
385 brought forward as follows:

386 11-25-11. The warrant shall be directed to the sheriff or
387 any constable of the proper county, as the case may require, and
388 shall be made returnable on a day certain, not less than five (5)
389 days nor more than twenty (20) days after its date, and shall be
390 forthwith executed by the proper officer on the defendant, in the
391 same manner as a summons is required to be served, by delivering a
392 copy, and he shall make due return to the justice court judge to
393 whom the case is assigned, at the time and place therein
394 mentioned, of the manner in which he shall have executed the same.

395 **SECTION 17.** Section 11-25-19, Mississippi Code of 1972, is
396 brought forward as follows:

397 11-25-19. If on the day of court and at the place
398 designated, it appears that the defendant has been duly served
399 with the warrant, the justice court judge shall proceed, without
400 further pleadings in writing, to the trial of the complaint.

401 **SECTION 18.** Section 11-25-21, Mississippi Code of 1972, is
402 brought forward as follows:



403 11-25-21. The plaintiff may, on the trial, claim and
404 establish by evidence, any amount due for arrears of rent of the
405 land of which possession is sought, or a reasonable compensation
406 for the use and occupation thereof; and the justice court judge
407 shall find, upon the evidence, the arrears of rent or reasonable
408 compensation, and may give judgment against the defendant in the
409 action for such arrears of rent or reasonable compensation, and
410 award a writ of fieri facias thereon.

411 **SECTION 19.** Section 11-25-23, Mississippi Code of 1972, is
412 brought forward as follows:

413 11-25-23. If the finding be for the plaintiff, the justice
414 court judge shall render judgment in favor of the plaintiff that
415 he recover possession of the land, with costs, and shall award a
416 writ of habere facias possessionem; and the justice court judge
417 may issue alias writs and enforce the judgment and punish for
418 contempt of process thereon; but a writ of habere facias
419 possessionem or execution shall not issue within five (5) days
420 from the date of the judgment.

421 **SECTION 20.** Section 11-25-109, Mississippi Code of 1972, is
422 brought forward as follows:

423 11-25-109. The warrant shall be directed to the sheriff, or
424 any constable of the county, and shall be made returnable to the
425 first term of the county court held after the issuance of the said
426 warrant, unless it shall be issued more than ten (10) days before
427 the said term of court when it may be made returnable before the



428 judge of the county court at the usual place of holding the county
429 court at a day to be named not more than ten (10) days, or less
430 than five (5) days, after the date of issuance of the said
431 warrant; and the cause shall be triable at such term, or before
432 the judge in vacation, (if so returnable), on the day therein,
433 provided the defendant has been served with process at least five
434 (5) days before the return day of writ.

435 **SECTION 21.** Section 11-25-111, Mississippi Code of 1972, is
436 brought forward as follows:

437 11-25-111. The plaintiff may, on the trial, claim and
438 establish by evidence, any amount due for arrears of rent on the
439 land of which possession is sought, or a reasonable compensation
440 for the use and occupation thereof; and the judge of the county
441 court, shall find upon the evidence the arrears of rent or
442 reasonable compensation and the judge of the county court may give
443 judgment against the defendant in the action for such arrears of
444 rent or reasonable compensation and may award a writ of fieri
445 facias thereon. All such cases shall be tried by the judge
446 without the intervention of the jury.

447 **SECTION 22.** Section 11-25-113, Mississippi Code of 1972, is
448 brought forward as follows:

449 11-25-113. If the finding be for the plaintiff, the judge of
450 the county court shall render judgment in favor of the plaintiff,
451 that he recover possession of the land, with costs, and shall
452 award a writ of habere facias possessionem, and said judge may



453 issue alias writs and enforce the judgment and may punish for
454 contempt of process thereon; provided, however, that a writ of
455 habere facias possessionem or execution shall not issue within
456 five days from the date of judgment.

457 **SECTION 23.** This act shall take effect and be in force from
458 and after July 1, 2018.

