

**CITY OF BALTIMORE  
COUNCIL BILL 08-0065  
(First Reader)**

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Introduced by: The Council President  
At the request of: The Administration (Law Department)  
Introduced and read first time: March 10, 2008  
Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and  
Community Development, Department of Public Works, Police Department, Department of  
Finance

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Foreclosure Chattels**

3 FOR the purpose of providing for the disposition of certain foreclosure chattels; requiring certain  
4 notice prior to execution of a writ of possession; providing for a postponement of execution  
5 under certain circumstances; providing that unclaimed property is deemed abandoned under  
6 certain circumstances; prohibiting the placement of eviction chattels in certain public ways;  
7 defining certain terms; imposing certain penalties; providing for a special effective date; and  
8 generally relating to the removal and disposition of personal property from foreclosed-upon  
9 real property.

10 BY adding

11 Article 13 - Housing and Urban Renewal  
12 Section(s) 8A-1(d) and 8B-1 through 8B-9, to be under the new subtitle,  
13 "Subtitle 8B. Foreclosure Chattels"  
14 Baltimore City Code  
15 (Edition 2000)

16 BY repealing and reordaining, with amendments

17 Article 13 - Housing and Urban Renewal  
18 Section(s) 8A-2(a)  
19 Baltimore City Code  
20 (Edition 2000)

21 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
22 Laws of Baltimore City read as follows:

23 **Baltimore City Code**

24 **Article 13. Housing and Urban Renewal**

25 **Subtitle 8A. Eviction Chattels**

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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1 **§ 8A-1. Definitions.**

2 (D) *FORECLOSURE PURCHASER.*

3 “FORECLOSURE PURCHASER” MEANS:

4 (1) ANY PERSON WHO PURCHASES REAL PROPERTY IN:

5 (I) A FORECLOSURE SALE UNDER MARYLAND RULES TITLE 14 {“SALES OF  
6 PROPERTY”}, CHAPTER 200 {“FORECLOSURE OF LIEN INSTRUMENTS”};

7 (II) A JUDICIAL SALE UNDER MARYLAND RULES TITLE 14 {“SALES OF  
8 PROPERTY”}, CHAPTER 300 {“JUDICIAL SALES”}; OR

9 (III) A TAX SALE UNDER MARYLAND RULES TITLE 14 {“SALES OF PROPERTY”},  
10 CHAPTER 500 {“TAX SALES”}; AND

11 (2) ANY SUBSTITUTED PURCHASER, AS DEFINED IN MARYLAND RULE 14-207(F)(3).

12 **§ 8A-2. Notice of pending dispossession.**

13 (a) *Scope.*

14 The requirement to provide notice under subsection (b) of this section does not apply to  
15 any judgment entered:

16 (1) IN FAVOR OF A FORECLOSURE PURCHASER; OR

17 (2) in favor of a landlord for possession of a leased dwelling under one of the  
18 following sections of the State Real Property Article:

19 (i) [(1)] § 14-120 {“Abatement of nuisance; dangerous substances”};

20 (ii) [(2)] § 14-123 {“Baltimore City nuisance actions”};

21 (iii) [(3)] § 8-402 {“Tenant holding over”};

22 (iv) [(4)] § 8-402.1 {“Breach of lease [after written notice and show cause  
23 hearing]”}; or

24 (v) [(5)] § 8-402.4 {“Wrongful detainer”}.

25 **SUBTITLE 8B. EVICTION CHATTELS**

26 **§ 8B-1. DEFINITIONS.**

27 (A) *IN GENERAL.*

28 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

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1 (B) *FORECLOSURE PURCHASER.*

2 “FORECLOSURE PURCHASER” MEANS:

3 (1) ANY PERSON WHO PURCHASES REAL PROPERTY IN:

4 (I) A FORECLOSURE SALE UNDER MARYLAND RULES TITLE 14 {“SALES OF  
5 PROPERTY”}, CHAPTER 200 {“FORECLOSURE OF LIEN INSTRUMENTS”};

6 (II) A JUDICIAL SALE UNDER MARYLAND RULES TITLE 14 {“SALES OF  
7 PROPERTY”}, CHAPTER 300 {“JUDICIAL SALES”}; OR

8 (III) A TAX SALE UNDER MARYLAND RULES TITLE 14 {“SALES OF PROPERTY”},  
9 CHAPTER 500 {“TAX SALES”}; AND

10 (2) ANY SUBSTITUTED PURCHASER, AS DEFINED IN MARYLAND RULE 14-207(F)(3).

11 **§ 8B-2. Notice of pending dispossession.**

12 (A) *NOTICE REQUIRED.*

13 WHENEVER A JUDGMENT IS ENTERED IN FAVOR OF A FORECLOSURE PURCHASER FOR  
14 POSSESSION OF THE PROPERTY PURCHASED AND THE COURT HAS ISSUED A WRIT OF  
15 POSSESSION, THE FORECLOSURE PURCHASER SHALL:

16 (1) NOTIFY ANY OCCUPANT OF THE PROPERTY OF THE DATE ON WHICH THE WRIT OF  
17 POSSESSION IS FIRST SCHEDULED TO BE EXECUTED BY THE SHERIFF; OR

18 (2) IF THE SHERIFF HAS AGREED TO PROVIDE NOTICES OF THIS SORT, ARRANGE FOR THE  
19 SHERIFF TO NOTIFY THE OCCUPANT OF THE DATE ON WHICH THE WRIT OF  
20 POSSESSION IS FIRST SCHEDULED TO BE EXECUTED.

21 (B) *HOW GIVEN.*

22 THE NOTICE SHALL BE:

23 (1) MAILED BOTH BY CERTIFIED MAIL AND BY FIRST-CLASS MAIL WITH CERTIFICATE OF  
24 MAILING AT LEAST 14 DAYS BEFORE THE FIRST SCHEDULED DATE OF EXECUTION;  
25 AND

26 (2) POSTED ON THE PREMISES AT LEAST 7 DAYS BEFORE THE FIRST SCHEDULED DATE OF  
27 EXECUTION.

28 (C) *CONTENTS.*

29 THE NOTICE SHALL:

30 (1) STATE THE CIRCUIT COURT WRIT OF POSSESSION CASE NUMBER, THE OCCUPANT’S  
31 NAME, IF KNOWN, THE PHRASE “OR CURRENT OCCUPANT”, AND THE ADDRESS OF  
32 THE PROPERTY;

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1 (2) SPECIFY THE DATE ON WHICH THE EVICTION IS FIRST SCHEDULED TO BE EXECUTED;

2 (3) STATE THAT THE EVICTION WILL BE EXECUTED ON THAT DATE UNLESS THE  
3 OCCUPANT MOVES OUT AND DELIVERS CONTROL OF THE PROPERTY TO THE  
4 FORECLOSURE PURCHASER;

5 (4) PROMINENTLY WARN THE OCCUPANT THAT ANY PERSONAL PROPERTY LEFT ON THE  
6 FORECLOSED PROPERTY WILL BE CONSIDERED ABANDONED AND MAY BE DISPOSED  
7 OF ON EXECUTION OF THE WRIT OF POSSESSION; AND

8 (5) STATE THAT IT IS THE FINAL NOTICE OF THE DATE OF THE EVICTION, EVEN IF THE  
9 EVICTION DATE IS POSTPONED BY THE SHERIFF OR THE COURT.

10 **§ 8B-3. POSTPONING EXECUTION OF WRIT.**

11 (A) *BY CIRCUIT COURT.*

12 THE CIRCUIT COURT SHALL STAY THE EXECUTION OF THE WRIT OF POSSESSION FOR A  
13 PERIOD OF AT LEAST 15 DAYS IF THE COURT FINDS THAT THE FORECLOSURE PURCHASER OR  
14 THE SHERIFF DID NOT PROVIDE THE NOTICE TO THE OCCUPANT REQUIRED BY § 8B-2 OF THIS  
15 SUBTITLE.

16 (B) *BY SHERIFF.*

17 THE SHERIFF SHALL STAY THE EXECUTION OF THE WRIT OF POSSESSION FOR A PERIOD OF AT  
18 LEAST 15 DAYS IF THE SHERIFF REASONABLY DETERMINES THAT THE FORECLOSURE  
19 PURCHASER DID NOT PROVIDE THE NOTICE TO THE TENANT REQUIRED BY § 8A-2 OF THIS  
20 SUBTITLE.

21 (C) *PRESUMPTION THAT NOTICE RECEIVED.*

22 IF THE FORECLOSURE PURCHASER PROVIDES A COPY OF THE NOTICE, A CERTIFICATION THAT  
23 THE NOTICE WAS MAILED FIRST CLASS AND BY CERTIFIED MAIL (WITH THE CERTIFIED MAIL  
24 NUMBER), AND A SIGNED AFFIDAVIT BY THE PERSON WHO POSTED THE PROPERTY, ALL OF  
25 WHICH ARE DATED WITHIN THE PROPER TIME PERIODS REQUIRED BY § 8B-2 OF THIS  
26 SUBTITLE, THERE IS A PRESUMPTION THAT THE NOTICE WAS ACTUALLY RECEIVED BY THE  
27 OCCUPANT.

28 **§ 8A-4. UNCLAIMED PROPERTY IS ABANDONED.**

29 (A) *IN GENERAL.*

30 ALL PERSONAL PROPERTY IN OR ABOUT THE FORECLOSED PROPERTY AT THE TIME THAT  
31 THE WRIT OF POSSESSION IS EXECUTED IS ABANDONED.

32 (B) *NO LIABILITY.*

33 NEITHER THE FORECLOSURE PURCHASER NOR SOMEONE ACTING ON THE PURCHASER'S  
34 BEHALF IS LIABLE FOR ANY LOSS OR DAMAGE TO ABANDONED PROPERTY.

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1 **§ 8A-5. DISPOSITION OF ABANDONED PROPERTY.**

2 THE FORECLOSURE PURCHASER SHALL DISPOSE OF ABANDONED PERSONAL PROPERTY BY:

- 3 (1) TRANSPORTING IT TO A LICENSED LANDFILL OR SOLID WASTE FACILITY;
- 4 (2) DONATING IT TO CHARITY;
- 5 (3) DONATING IT TO THE FORMER OCCUPANT OR FORMER OWNER; OR
- 6 (4) SOME OTHER LEGAL MEANS.

7 **§ 8A-6. PROHIBITED PLACEMENT IN PUBLIC WAY.**

8 UNDER NO CIRCUMSTANCES MAY ANY PROPERTY, ABANDONED OR OTHERWISE, BE PLACED IN A  
9 PUBLIC RIGHT-OF-WAY OR ON ANY PUBLIC PROPERTY.

10 **§§ 8A-7 TO 8A-8. {RESERVED}**

11 **§ 8A-9. PENALTIES.**

12 (A) *IN GENERAL.*

13 ANY PERSON WHO VIOLATES ANY PROVISION OF § 8B-5 OR § 8B-6 OF THIS SUBTITLE IS  
14 GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE  
15 THAN \$1,000 FOR EACH OFFENSE.

16 (B) *EACH DAY A SEPARATE OFFENSE.*

17 EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

18 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
19 are not law and may not be considered to have been enacted as a part of this or any prior  
20 Ordinance.

21 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 60<sup>th</sup> day  
22 after the date it is enacted. All writs of possession scheduled to be executed on or after that  
23 effective date, shall be in compliance with this Ordinance.