

**CITY OF BALTIMORE
COUNCIL BILL 07-0665
(First Reader)**

Introduced by: Councilmembers Harris, Clarke, Young, Holton, Curran, Kraft, D'Adamo, Middleton, President Rawlings-Blake, Councilmembers Conaway, Welch, Reisinger, Mitchell, Crider

Introduced and read first time: May 7, 2007

Assigned to: Committee of the Whole

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Eviction Chattels**

3 FOR the purpose of providing for the disposition of certain eviction chattels; requiring certain
4 notice prior to execution of a warrant of restitution; providing for a tenant's right to reclaim
5 property within a certain period; providing that unclaimed property is deemed abandoned
6 under certain circumstances; prohibiting the placement of eviction chattels in certain public
7 ways; defining certain terms; imposing certain penalties; and generally relating to the
8 removal and disposition of property from leased dwellings.

9 BY adding

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

15 BY repealing

16 Article 19 - Police Ordinances
17 Section(s) 50-12
18 Baltimore City Code
19 (Edition 2000)

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

22 **Baltimore City Code**

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

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

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SUBTITLE 8A. EVICTION CHATTELS

§ 8A-1. DEFINITIONS.

(A) *IN GENERAL.*

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

(B) *EVICTION CHATTELS.*

“EVICTION CHATTELS” MEANS ANY PROPERTY REMOVED FROM A LEASED DWELLING UNDER A WARRANT OF RESTITUTION.

(C) *LEASED DWELLING.*

“LEASED DWELLING” MEANS ANY DWELLING UNIT, ROOMING UNIT, EFFICIENCY UNIT, OR OTHER LIVING QUARTERS, WHETHER IN A SINGLE-FAMILY DWELLING, A MULTIPLE-FAMILY DWELLING, AN APARTMENT COMPLEX, OR OTHERWISE, THAT WAS OCCUPIED UNDER A LEASE BETWEEN A TENANT AND A LANDLORD.

§ 8A-2. NOTICE OF PENDING DISPOSSESSION.

(A) *NOTICE REQUIRED.*

WHENEVER A JUDGMENT IS ENTERED IN FAVOR OF THE LANDLORD FOR POSSESSION OF A LEASED DWELLING, THE LANDLORD SHALL:

- (1) NOTIFY THE TENANT OF THE SCHEDULED DATE ON WHICH THE WARRANT OF RESTITUTION WILL BE EXECUTED BY THE SHERIFF; OR
- (2) IF THE SHERIFF HAS AGREED TO PROVIDE NOTICES OF THIS SORT, ARRANGE FOR THE SHERIFF TO NOTIFY THE TENANT OF THE SCHEDULED DATE ON WHICH THE WARRANT OF RESTITUTION WILL BE EXECUTED.

(B) *HOW GIVEN.*

THE NOTICE SHALL BE:

- (1) MAILED BY FIRST-CLASS AND CERTIFIED MAIL AT LEAST 5 BUSINESS DAYS BEFORE THE SCHEDULED DATE OF EXECUTION; AND
- (2) POSTED ON THE PREMISES AT LEAST 2 BUSINESS DAYS BEFORE THE SCHEDULED DATE OF EXECUTION.

(C) *CONTENTS.*

THE NOTICE SHALL:

- (1) STATE THE DISTRICT COURT SUMMARY EJECTMENT CASE NUMBER, THE TENANT’S NAME, AND THE ADDRESS OF THE LEASED DWELLING;

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

2 (3) STATE THAT THE EVICTION WILL BE EXECUTED ON THAT DATE UNLESS:

3 (I) THE TENANT MOVES OUT AND RETURNS THE KEYS AND CONTROL OF THE
4 PROPERTY TO THE LANDLORD, OR

5 (II) THE TENANT EXERCISES THE RIGHT TO REDEMPTION UNDER REAL
6 PROPERTY ARTICLE § 8-401(E), UNLESS THE RIGHT TO REDEEM HAS BEEN
7 FORECLOSED;

8 (4) WARN THE TENANT THAT ANY PROPERTY LEFT IN THE LEASED DWELLING WILL BE
9 CONSIDERED ABANDONED AND MAY BE DISPOSED OF IF IT IS NOT RECLAIMED
10 WITHIN 3 BUSINESS DAYS AFTER THE DATE ON WHICH THE WARRANT OF
11 RESTITUTION IS EXECUTED;

12 (5) INSTRUCT THE TENANT ON HOW THE TENANT MAY EXERCISE THE RIGHT TO
13 RECLAIM THAT PROPERTY; AND

14 (6) STATE THAT IT IS THE FINAL NOTICE THE TENANT WILL RECEIVE OF THE EVICTION,
15 EVEN IF THE EVICTION DATE IS POSTPONED BY THE SHERIFF OR THE COURT.

16 (D) *CHARGE FOR NOTICE.*

17 A LANDLORD MAY CHARGE THE TENANT FOR EXPENSES INCURRED IN PROVIDING THIS
18 NOTICE, UP TO A MAXIMUM OF \$5.

19 (E) *EFFECT OF FAILURE TO GIVE OR RECEIVE NOTICE.*

20 (1) FAILURE OF THE LANDLORD TO GIVE THE NOTICE REQUIRED BY THIS SECTION DOES
21 NOT IMPAIR THE EFFECTIVENESS OF THE EVICTION ITSELF.

22 (2) THAT THE TENANT DID NOT ACTUALLY RECEIVE NOTICE DOES NOT ESTABLISH A
23 LANDLORD'S MALICE OR GROSS NEGLIGENCE AS LONG AS THE LANDLORD
24 ESTABLISHES THAT IT MAILED THE NOTICE BY AT LEAST ONE METHOD AND MADE
25 REASONABLE ATTEMPTS TO POST THE NOTICE ON THE PREMISES.

26 **§ 8A-3. TENANT'S RIGHT TO RECLAIM.**

27 (A) *IN GENERAL.*

28 THE TENANT HAS THE RIGHT TO RECLAIM ANY PROPERTY LEFT IN THE LEASED DWELLING
29 UNTIL 4 P.M. OF THE THIRD BUSINESS DAY AFTER THE DATE ON WHICH THE WARRANT OF
30 RESTITUTION IS EXECUTED.

31 (B) *LANDLORD'S STORAGE OPTIONS.*

32 DURING THE RECLAMATION PERIOD, THE LANDLORD MAY:

33 (1) LEAVE THE PROPERTY IN THE LEASED DWELLING, AFTER CHANGING THE LOCKS
34 AND SECURING THE PREMISES;

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1 (2) MOVE THE PROPERTY TO ANOTHER RENTAL UNIT OR TO AN INDOOR STORAGE
2 AREA, IF THE UNIT OR INDOOR AREA IS UNDER THE LANDLORD'S CONTROL,
3 SECURED, AND WITHIN 1/2 MILE OF THE LEASED DWELLING; OR

4 (3) MOVE THE PROPERTY TO A PUBLIC WAREHOUSE THAT IS WITHIN 1/2 MILE OF THE
5 LEASE DWELLING.

6 (C) *LIABILITIES.*

7 NEITHER THE LANDLORD, A WAREHOUSE, NOR SOMEONE ACTING ON THEIR BEHALF IS
8 LIABLE FOR ANY LOSS OR DAMAGE TO THE PROPERTY DURING THE RECLAMATION PERIOD,
9 EXCEPT IN INSTANCES OF MALICE OR GROSS NEGLIGENCE.

10 (D) *TENANT'S EXERCISE OF RIGHT TO RECLAIM.*

11 (1) DURING THE RECLAMATION PERIOD, THE LANDLORD SHALL ALLOW THE TENANT TO
12 MAKE REASONABLE ARRANGEMENTS FOR OBTAINING AND MOVING THE PROPERTY.

13 (2) THE LANDLORD MAY NOT, DIRECTLY OR INDIRECTLY, CHARGE ANY FEE OR IMPOSE
14 ANY CONDITION ON THE TENANT'S RIGHT TO RECLAIM THE PROPERTY.

15 **§ 8A-4. UNCLAIMED PROPERTY IS ABANDONED.**

16 (A) *IN GENERAL.*

17 ALL PROPERTY LEFT UNCLAIMED AT THE END OF THE RECLAMATION PERIOD IS
18 ABANDONED.

19 (B) *NO LIABILITY TO TENANT.*

20 NEITHER THE LANDLORD, A WAREHOUSE, NOR SOMEONE ACTING ON THEIR BEHALF IS
21 LIABLE TO FOR ANY LOSS OR DAMAGE TO THESE UNCLAIMED EVICTION CHATTELS.

22 **§ 8A-5. PERMITTED DISPOSITION OF ABANDONED PROPERTY.**

23 THE LANDLORD SHALL DISPOSE OF ABANDONED EVICTION CHATTELS BY:

24 (1) TRANSPORTING THEM TO A LICENSED LANDFILL OR SOLID WASTE FACILITY;

25 (2) DONATING THEM TO CHARITY; OR

26 (3) SOME OTHER LEGAL MEANS.

27 **§ 8A-6. PROHIBITED PLACEMENT IN PUBLIC WAY.**

28 UNDER NO CIRCUMSTANCES MAY EVICTION CHATTELS, ABANDONED OR OTHERWISE, BE
29 PLACED IN A PUBLIC RIGHT-OF-WAY OR ON ANY PUBLIC PROPERTY.

30 **§§ 8A-7 TO 8A-8. {RESERVED}**

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1 **§ 8A-9. PENALTIES.**

2 (A) *IN GENERAL.*

3 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A
4 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000
5 FOR EACH OFFENSE.

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

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

8 **Article 19. Police Ordinances**

9 **Subtitle 50. Street Regulations**

10 ***Part 1. Obstructions***

11 **[§ 50-12. Eviction chattels.**

12 (a) *Director to hold for 10 days.*

13 Whenever the obstructions removed by the Director of Public Works in accordance with
14 the provisions of § 50-11 are the chattels removed from a dwelling in an eviction by
15 judicial process, the Director shall, upon timely request by the tenant, retain the chattels
16 for at least 10 days, during which time the tenant may reclaim them.

17 (b) *Disposition on failure to reclaim.*

18 If the tenant fails to make such request in timely fashion or fails to claim the chattels
19 during the 10-day period of storage, the Director is empowered to dispose of the chattels.

20 (c) *Rules and regulations.*

21 The Director shall promulgate rules and regulations to carry out the provisions of this
22 section.]

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

26 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
27 after the date it is enacted.