



MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Housing Commissioner

Date: October 10, 2023

Re: City Council Resolution 23-0160R Study and Report — Eviction Chattels — Disposal of Tenant's Possession

The Department of Housing and Community Development (DHCD) has reviewed City Council Resolution 23-0160R for the purpose of requiring the Commissioner of the Department of Housing and Community Development, the City Solicitor, the Baltimore City Sheriff, and the Comptroller to submit a report that details how their respective agencies assist in protecting tenants' rights during the course of the eviction process, including the disposal of tenants' possessions; and providing for a special effective date.

DHCD is pleased to review *23-0160R Study and Report — Eviction Chattels — Disposal of Tenant's Possession* which requires the Commissioner; in conjunction with other agencies, to submit a report that details how their respective agencies assist in protecting tenants' rights during the course of the eviction process, including the disposal of tenants' possessions which are known as eviction chattels. The Ordinance will take effect on the date it is enacted. Agencies would have 120 days to complete the report.

Most of the questions being asked in this Resolution fall outside the duties and responsibilities of DHCD. Landlord tenant proceedings are set by State Law. The Sheriff's Office and the District Courts have a lead role in handling Notice and Eviction Chattels. Proper notice is enforced by the courts.

Notice in eviction cases is set by State law but the City Council made some changes specific to Baltimore City. What happens to eviction chattel was set by the City Council in 2007 making it illegal to dispose of eviction chattel on the sidewalk or street and declaring any tenant property left inside the rental at the time of eviction as abandoned. Eviction Chattels are covered in Article 13 Subtitle 8A of the Housing and Urban Renewal Code.

DHCD responds to a significant amount of household items dumped in alleys, lots and on vacant property but it is difficult to say how much is eviction chattel versus a resident dumping unwanted items before a move or someone else illegally dumping.

The Resolution requires that the report include 3 items pertinent to DHCD;

- A review of information by that the Commissioner of the Department of Housing and Community Development regarding which, if any, Department programs assist in eviction prevention and, if necessary, relocation.
- Data furnished by the Commissioner of the Department of Housing and Community Development on the incidence of tenant holding over cases and how such cases typically resolve;
- An interview conducted by the Commissioner of the Department of Housing and Community Development and the Comptroller with representatives from Baltimore Renters United, including a review of their organization's work regarding evictions, specifically, the cost of storing possessions post eviction and how to educate tenants on their rights;

Conclusion

DHCD is committed to working with the Administration to continue to discuss how to protect tenants' rights during the course of the eviction process. DHCD has been working with the District Court, the Sheriff's Office and legal assistance providers to leverage resources outside the legal system to protect Baltimore families from eviction. DHCD has been working to implement *City Council Bill 20-0625 Landlord-Tenant - Right to Counsel in Eviction Cases* which provides eligible tenants with access to counsel in eviction proceedings. DHCD does not object to ongoing discussions on this topic.

DHCD **defers** to the Baltimore City Sheriff's Office as the lead agency on the passage of City Council Resolution 23-0160R.

AK/sm

cc: Ms. Themelis, Nina, *Mayor's Office of Government Relations*

Brandon M. Scott, Mayor • **Alice Kennedy**, Housing Commissioner

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