

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 07-0665**

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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

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Committee Report: Favorable with amendments

Council action: Adopted

Read second time: July 16, 2007

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**AN ORDINANCE CONCERNING**

**Eviction Chattels**

FOR the purpose of providing for the disposition of certain eviction chattels; requiring certain notice prior to execution of a warrant of restitution; ~~providing for a tenant’s right to reclaim property within a certain period;~~ providing for a postponement of the execution of a warrant of restitution under certain circumstances; providing for a discount of charges imposed by a City landfill or solid waste facility, under certain circumstances; providing that unclaimed property is deemed abandoned under certain circumstances; prohibiting the placement of eviction chattels in certain public ways; defining certain terms; imposing certain penalties; providing for a special effective date; and generally relating to the removal and disposition of property from leased dwellings.

BY adding

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

BY repealing

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

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

**Baltimore City Code**

**Article 13. Housing and Urban Renewal**

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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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) SCOPE.

THE REQUIREMENT TO PROVIDE NOTICE UNDER SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO ANY JUDGMENT ENTERED IN FAVOR OF A LANDLORD FOR POSSESSION OF A LEASED DWELLING UNDER ONE OF THE FOLLOWING SECTIONS OF THE STATE REAL PROPERTY ARTICLE:

(1) § 14-120 {“ABATEMENT OF NUISANCE; DANGEROUS SUBSTANCES”};

(2) § 14-123 {“BALTIMORE CITY NUISANCE ACTIONS”};

(3) § 8-402 {“TENANT HOLDING OVER”};

(4) § 8-402.1 {“BREACH OF LEASE [AFTER WRITTEN NOTICE AND SHOW CAUSE HEARING]”}; OR

(5) § 8-402.4 {“WRONGFUL DETAINER”}.

~~(B)~~ (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~~ IS FIRST SCHEDULED TO BE EXECUTED BY THE SHERIFF; OR

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1 (2) IF THE SHERIFF HAS AGREED TO PROVIDE NOTICES OF THIS SORT, ARRANGE FOR THE  
2 SHERIFF TO NOTIFY THE TENANT OF THE ~~SCHEDULED~~ DATE ON WHICH THE  
3 WARRANT OF RESTITUTION ~~WILL~~ IS FIRST SCHEDULED TO BE EXECUTED.

4 (C) ~~(B)~~ *HOW GIVEN.*

5 THE NOTICE SHALL BE:

6 (1) ~~MAILED BY FIRST CLASS AND CERTIFIED MAIL AT LEAST 5 BUSINESS DAYS BEFORE~~  
7 ~~THE SCHEDULED DATE OF EXECUTION~~ MAILED BOTH BY CERTIFIED MAIL AND BY  
8 FIRST-CLASS MAIL WITH CERTIFICATE OF MAILING AT LEAST 14 DAYS BEFORE THE  
9 FIRST SCHEDULED DATE OF EXECUTION; AND

10 (2) POSTED ON THE PREMISES AT LEAST ~~2 BUSINESS~~ 7 DAYS BEFORE THE FIRST  
11 SCHEDULED DATE OF EXECUTION.

12 (D) ~~(E)~~ *CONTENTS.*

13 THE NOTICE SHALL:

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

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

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

18 (I) THE TENANT MOVES OUT AND RETURNS ~~THE KEYS AND~~ CONTROL OF THE  
19 PROPERTY TO THE LANDLORD, OR

20 (II) THE TENANT EXERCISES THE RIGHT TO REDEMPTION UNDER STATE REAL  
21 PROPERTY ARTICLE § 8-401(E), UNLESS THE RIGHT TO REDEEM HAS BEEN  
22 FORECLOSED OR OTHERWISE IS INAPPLICABLE;

23 (4) PROMINENTLY WARN THE TENANT THAT ANY PROPERTY LEFT IN THE LEASED  
24 DWELLING WILL BE CONSIDERED ABANDONED AND MAY BE DISPOSED OF ~~IF IT IS NOT~~  
25 ~~RECLAIMED WITHIN 3 BUSINESS DAYS AFTER THE DATE ON WHICH~~ ON EXECUTION  
26 OF THE WARRANT OF RESTITUTION IS EXECUTED;

27 ~~(5) INSTRUCT THE TENANT ON HOW THE TENANT MAY EXERCISE THE RIGHT TO~~  
28 ~~RECLAIM THAT PROPERTY;~~ AND

29 (5) ~~(6)~~ STATE THAT IT IS THE FINAL NOTICE ~~THE TENANT WILL RECEIVE OF THE DATE OF~~  
30 THE EVICTION, EVEN IF THE EVICTION DATE IS POSTPONED BY THE SHERIFF OR THE  
31 COURT.

32 (E) ~~(D)~~ *CHARGE FOR NOTICE.*

33 A LANDLORD MAY CHARGE THE TENANT FOR EXPENSES INCURRED IN PROVIDING THIS  
34 NOTICE, UP TO A MAXIMUM OF ~~\$5-~~ \$10.

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1 ~~(E) EFFECT OF FAILURE TO GIVE OR RECEIVE NOTICE.~~

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

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

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

9 ~~(A) IN GENERAL.~~

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

13 ~~(B) LANDLORD'S STORAGE OPTIONS.~~

14 ~~DURING THE RECLAMATION PERIOD, THE LANDLORD MAY:~~

15 ~~(1) LEAVE THE PROPERTY IN THE LEASED DWELLING, AFTER CHANGING THE LOCKS AND~~  
16 ~~SECURING THE PREMISES;~~

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

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

22 ~~(C) LIABILITIES.~~

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

26 ~~(D) TENANT'S EXERCISE OF RIGHT TO RECLAIM.~~

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

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

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1 **§ 8A-3. POSTPONMENT OF EXECUTION OF WARRANT OF RESTITUTION.**

2 (A) BY DISTRICT COURT.

3 THE DISTRICT COURT SHALL STAY THE EXECUTION OF THE WARRANT OF RESTITUTION FOR  
4 A PERIOD OF 15 DAYS IF THE COURT FINDS THAT THE LANDLORD DID NOT PROVIDE THE  
5 NOTICE TO THE TENANT REQUIRED BY § 8A-2 OF THIS SUBTITLE.

6 (B) BY THE SHERIFF.

7 THE SHERIFF SHALL STAY THE EXECUTION OF THE WARRANT OF RESTITUTION FOR A PERIOD  
8 OF 15 DAYS IF THE SHERIFF REASONABLY DETERMINES THAT THE LANDLORD DID NOT  
9 PROVIDE THE NOTICE TO THE TENANT REQUIRED BY § 8A-2 OF THIS SUBTITLE.

10 (C) PRESUMPTION – RECEIPT OF NOTICE.

11 IF THE LANDLORD PROVIDES A COPY OF THE NOTICE, A CERTIFIED MAIL RECEIPT,  
12 CERTIFICATE OF MAILING, AND SIGNED AFFIDAVIT BY THE PERSON WHO POSTED THE  
13 PROPERTY, ALL OF WHICH ARE DATED WITHIN THE PROPER TIME PERIODS REQUIRED BY  
14 § 8A-2 OF THIS SUBTITLE, THERE IS A PRESUMPTION THAT THE NOTICE WAS ACTUALLY  
15 RECEIVED BY THE TENANT.

16 **§ 8A-4. UNCLAIMED PROPERTY IS ABANDONED.**

17 (A) IN GENERAL.

18 ALL PROPERTY ~~LEFT UNCLAIMED~~ IN OR ABOUT THE LEASED PREMISES AT THE ~~END OF THE~~  
19 ~~RECLAMATION PERIOD~~ TIME THAT THE WARRANT OF RESTITUTION IS EXECUTED IS  
20 ABANDONED.

21 (B) NO LIABILITY ~~TO TENANT.~~

22 NEITHER THE LANDLORD, ~~A WAREHOUSE,~~ NOR SOMEONE ACTING ON ~~THEIR~~ THE  
23 ~~LANDLORD'S~~ BEHALF IS LIABLE ~~TO~~ FOR ANY LOSS OR DAMAGE TO ~~THESE UNCLAIMED~~  
24 ~~EVICTED CHATTELS~~ ABANDONED PROPERTY.

25 **§ 8A-5. PERMITTED DISPOSITION OF ABANDONED PROPERTY.**

26 (A) DISPOSITION BY LANDLORD.

27 THE LANDLORD SHALL DISPOSE OF ABANDONED EVICTION CHATTELS BY:

- 28 (1) TRANSPORTING THEM TO A LICENSED LANDFILL OR SOLID WASTE FACILITY;
- 29 (2) DONATING THEM TO CHARITY; OR
- 30 (3) SOME OTHER LEGAL MEANS.

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1 (B) DISCOUNT FOR USING CITY LANDFILL OR SOLID WASTE FACILITY.

2 (1) A LANDLORD WHO DISPOSES OF EVICTION CHATTELS AT A CITY-OWNED OR OPERATED  
3 LANDFILL OR SOLID WASTE FACILITY MAY BE CHARGED NO MORE THAN THE SAME FEES  
4 CHARGED TO THE HOUSING AUTHORITY OF BALTIMORE CITY (HABC).

5 (2) TO BE ELIGIBLE FOR HABC RATES, THE LANDLORD OR LANDLORD’S AGENT MUST  
6 PRESENT AT THE FACILITY AT THE TIME OF DISPOSAL:

7 (i) A COPY OF THE WARRANT OF RESTITUTION ISSUED FOR THE LEASED DWELLING;  
8 AND

9 (ii) PROOF THAT THE LEASED DWELLING IS REGISTERED OR LICENSED UNDER CITY  
10 CODE ARTICLE 13, SUBTITLE 4 {[REGISTRATION OF] NON-OWNER-OCCUPIED  
11 DWELLINGS”} OR SUBTITLE 5 {[LICENSING OF MULTIPLE-FAMILY DWELLINGS  
12 AND ROOMING HOUSES”}.

13 (3) THE DEPARTMENT OF PUBLIC WORKS MAY ADOPT RULES AND REGULATIONS TO CARRY  
14 OUT THIS SUBSECTION.

15 (4) A PERSON MAY NOT MAKE ANY FALSE OR MISLEADING REPRESENTATION IN  
16 CONNECTION WITH THE FEE RATE AUTHORIZED BY THIS SUBSECTION.

17 **§ 8A-6. PROHIBITED PLACEMENT IN PUBLIC WAY.**

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

20 **§§ 8A-7 TO 8A-8. {RESERVED}**

21 **§ 8A-9. PENALTIES.**

22 (A) *IN GENERAL.*

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

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

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

28 **Article 19. Police Ordinances**

29 **Subtitle 50. Street Regulations**

30 ***Part 1. Obstructions***

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1 [§ 50-12. Eviction chattels.

2 (a) Director to hold for 10 days.

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

7 (b) Disposition on failure to reclaim.

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

10 (c) Rules and regulations.

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

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

16 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on ~~the 30<sup>th</sup> day~~  
17 ~~after the date it is enacted.~~ October 1, 2007. All warrants of restitution scheduled to be executed  
18 on or after October 1, 2007, shall be in compliance with this Ordinance.

Certified as duly passed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City