

CITY OF BALTIMORE

SHEILA DIXON, Mayor

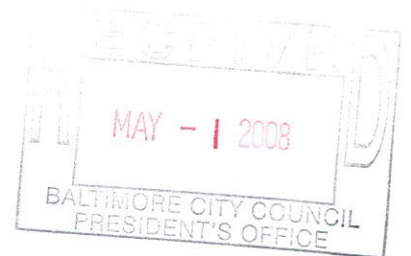


DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

May 1, 2008

The Honorable President and
Members of the Baltimore
City Council
c/o Karen Randle, Executive Secretary
409 City Hall
Baltimore, MD 21202



RE: City Council Bill 08-0065 – Foreclosure Chattels

Dear President and Members:

You have requested the advice of the Law Department regarding City Council Bill 08-0065. Bill 65 is an Administration Bill which proposes to apply the same standards from the Eviction Chattels Ordinance of last session to the foreclosure context. That is, Bill 65 intends to require that the occupants of a dwelling that has been foreclosed upon will be provided with notice about the scheduled date of eviction. In addition, Bill 65 provides that property left in or about the foreclosed dwelling at the time of eviction is deemed abandoned. The Bill specifies that such abandoned property—foreclosure chattels—must be disposed of legally and cannot be placed in a public way. The Bill specifies that a penalty of not more than \$1,000 a day can be imposed for illegal dumping of foreclosure chattels. It also specifies that the foreclosure purchaser bears no liability regarding damage to abandoned property.

This is a non-controversial bill. It was drafted by a Foreclosure Chattels Work Group convened by the Solicitor's office in order to clarify City eviction law regarding foreclosures. The Work Group included three members of the Foreclosure Subcommittee of the Maryland State Bar Association Real Estate Section, all attorneys who represent foreclosure purchasers. (These members were Jeffrey Fisher, Deborah Curran, and Ken McFadyen.) The Work Group also included Rental Housing Coalition representative John Nethercut. (Citizens Planning and Housing Association was invited but declined to participate.) Unlike the process of arriving at consensus on the Eviction Chattels Bill last session, this Work Group quickly agreed that a clarifying bill was

F/A



desirable and consensus was easily achieved concerning the Bill's provisions.

Please note that there was an inadvertent drafting error in the First Reader. This Ordinance, like the Eviction Chattels Ordinance upon which it is modeled, is intended to apply only to residential property—not commercial property. Subtitle Sec. 8B-1 Definitions (B)(1) should insert the word “residential” so that it reads: “(1) Any person who purchases residential property in: . . .” In addition, the word “residential” should be inserted in Sec. 8B-2 Notice of Pending Disposition (A) Notice Required, so that it reads:

“Whenever a judgment is entered in favor of a foreclosure purchaser for possession of the residential property purchased and . . .”

With the above amendments, the Law Department approves City Council Bill 08-0065 for form and legal sufficiency.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Suzanne Sangree', with a large, decorative flourish extending to the right.

Suzanne Sangree
Chief Solicitor

cc: Honorable James Kraft
Angela Gibson, City Council Liaison
George Nilson, City Solicitor
Linda C. Barclay, Chief Solicitor
Deepa Bhattacharyya, Assistant Solicitor