
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
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September 14, 2025

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 25-0087 – Eviction Chattels – Time Period to Reclaim

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0087 for form and legal sufficiency. The bill would make several amendments to Subtitle 8A of Article 13 of the City Code, which governs what happens to a tenant's personal property left behind after an eviction, *i.e.*, "eviction chattels." Among other amendments, the bill would require a landlord to secure a tenant's personal property for a period of time following execution of a restitution warrant and permit the tenant to reclaim the personal property during that time. The bill would also require the landlord to provide notice of this process 14 days before the restitution warrant is executed.

As explained below, the Law Department can approve the substance of the bill but recommends several amendments both for clarity and to eliminate provisions duplicative of state law that will become effective on October 1, 2025.

Currently, Section 8A-4 of Article 13 of the City Code states that "[a]ll property in or about the leased premises at the time that the warrant of restitution is executed is abandoned." In 2024, the U.S. Court of Appeals for the Fourth Circuit found this provision unconstitutional because it deprived tenants of a protected property interest without due process, thus violating the Fourteenth Amendment. *Todman v. Mayor & City Council of Baltimore*, 104 F.4th 479 (4th Cir. 2024).

The bill eliminates this abandonment provision and, instead, requires landlords to secure a tenant's belongings—either in the leased premises or in secure storage—at no charge for up to ten days after the execution of the restitution warrant, or, upon the tenant's written request, up to an additional 20 days. A landlord may charge a reasonable storage fee for belongings stored beyond the tenth day. If the tenant does not claim the property during the relevant time period, the property is deemed abandoned and the landlord may dispose of it.

As for notice, the bill primarily does two things. First, it increases—from six to 14—the number of days before the scheduled date of repossession by which the landlord must provide the notice required by Section 8-407 of the Real Property Article ("RP") of the Maryland Code, which

becomes effective on October 1, 2025. This increase is explicitly permitted by this new section of state law. *See RP § 8-407(e)(1)* (eff. Oct. 1, 2025). Second, it requires the landlord to provide 14 days' notice of the new personal property storage, reclamation, and abandonment process.

Currently, there is no state law governing what happens to eviction chattels apart from permission, upon a landlord's repossession of the leased property, "to remove from the property, by force if necessary, all the furniture, implements, tools, goods, effects or other chattels of every description whatsoever belonging to the tenant." RP § 8-401(f)(1)(i). Previous state legislation on the topic has not passed. *See, e.g.*, 2024 House Bill 1114. Bill 25-0087 seeks to fill this gap and move away from the current City abandonment provision found to be unconstitutional in the *Todman* case. *See also RP § 8-407(2)(ix)* (eff. Oct. 1, 2025) (recognizing that "[l]ocal laws and practices about disposal of any of [a tenant's] personal belongings upon eviction vary").

The Law Department can approve the substance of these provisions for form and legal sufficiency but recommends the attached amendments to the extent much of the bill duplicates new RP Section 8-407, as well as for clarity.

Sincerely,



Jeffrey Hochstetler
Chief Solicitor

cc: Ebony Thompson, Acting City Solicitor
Ty'lor Schnella, Mayor's Office of Government Relations
Hilary Ruley, Chief Counselor, General Counsel Division
Ashlea Brown, Chief Counselor
Michelle Toth, Assistant Counselor
Desireé Luckey, Assistant Counselor

25-0087: Law Suggested Amendments

1. On page 2, strike lines 14 through 23 in their entirety.
 - Reason: Duplicative of Md. Code, Real Property Art. (“RP”) § 8-407(b)(1) (eff. Oct. 1, 2025).
2. On page 2, in line 31, strike “In the” and replace with “Up to”. And on that same page, in line 33, strike “for up to 30” and replace with “up to an additional 20”.
 - Reason: Clarity.
3. On page 3, in line 20, before “The notice” insert “In addition to the notice contents required by Section 8-407(b) of the Real Property Article of the Maryland Code”
 - Reason: To properly reflect the state and City notice provisions without being duplicative.
4. On page 4, strike lines 3 through 20 in their entirety.
 - Reason: Duplicative of RP § 8-407(b)(2) (eff. October 1, 2025).
5. On page 4, beginning in line 28 and continuing through line 30, strike “additional time. You may request additional time in the amount of up to 30 days” and replace with “up to 30 days to reclaim your belongings”. And on that same page, beginning in line 31 through line 32, strike “If you request additional time to reclaim your belongings after the 10th day” and replace with “Upon request for additional time”. And on that same page, beginning in line 34 through line 35, strike “for the additional period of time” and replace with “beyond the 10th day”.
 - Reason: Clarity.
6. On page 5, in line 1, strike “left in the rental property” and replace with “unclaimed”. And on that same page, in line 2, strike “up to 30 days if requested” and replace with “after the 30th day, if additional time was requested”).
 - Reason: Clarity.
7. On page 5, strike lines 4 through 32 in their entirety.
 - Reason: Duplicative of RP § 8-407 (eff. Oct. 1, 2025) and of the bill’s notice requirement for the landlord.
8. On page 6, strike lines 1 through 9 in their entirety *from the Code* (not from the bill).
 - Reason: Duplicative of RP § 8-407(b)(5) (eff. Oct. 1, 2025).