


<b>FROM</b>	NAME & TITLE	David E. Scott, P.E., Director	<b>CITY of</b> <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	<b>CITY COUNCIL BILL 09-0289</b>		

**TO**

DATE: March 5, 2009

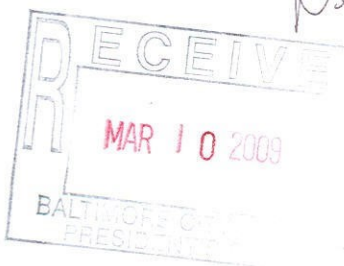
The Honorable President and Members  
of the Baltimore City Council  
c/o Karen Randle  
Room 400 - City Hall

I am herein reporting on City Council Bill 09-0289 introduced by Council Members Henry, Clarke, Conaway, Holton, D'Adamo, Curran, Branch, Young, Welch, Middleton, and Reisinger.

The purpose of the Bill is to extend, for certain types of foreclosed properties, the period for providing prior notice of the execution of a writ of possession; provide for a special effective date; and provide for the automatic termination of the Ordinance on a certain date.

Ordinance 07-496 provides for the disposition of tenants' chattels and requires certain notification procedures to tenants by landlords or by the sheriff. These protections afford tenants with adequate and timely notice of pending evictions, opportunities for recovery of tenants' possessions, and the lawful means for disposition of eviction chattels. Ordinance 08-041 applies similar protections to occupants of property that are subject to a foreclosure sale, judicial sale, or a tax sale. A foreclosure purchaser is required to notify any occupant of the date on which the writ of possession is first scheduled to be executed by the sheriff, or to arrange for the sheriff to do so. The notice must be sent by certified and by first-class mail (with certificate of mailing) at least 14 days prior to the scheduled date. In addition, the premises must also be posted at least 7 days prior to the scheduled date of possession. The circuit court may stay the execution of the writ of possession for at least 15 days if the foreclosure purchaser or sheriff did not provide adequate notice to the occupant. Unclaimed property at time of possession is considered abandoned and may be disposed of in a lawful manner. Abandoned property is prohibited from placement in the public right-of-way or on any public property. The provisions of these ordinances are found in Subtitles 8A and 8B of Article 13 of the Baltimore City Code, respectively.

*Refers to Law & ACD*



The Honorable President and Members  
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March 5, 2009  
Page 2

City Council Bill 09-0289, if approved, would add to the requirements for notice of pending dispossession, for evictions that follow a docketed foreclosure and sale for nonpayment of a mortgage or deed of trust (Subtitle 8B). In these cases, notice would have to be mailed both by certified and by first-class mail (with certificate of mailing) at least 365 days prior to the first scheduled date of execution, as well as a posting on the premises at least 90 days prior to the first scheduled date of execution. If adopted, the ordinance would remain in effect through January 20, 2013, at which time, if no further action were taken by the Mayor and City Council, the provisions would be abrogated.

The Department of Public Works understands that the intent of the sponsors is to provide an incentive for holders of mortgages or deeds of trust to renegotiate the terms of these holdings with mortgagees whose ability to pay have been impaired by the current housing and economic crises. While the provisions of City Council Bill 09-0289 are laudable, the Department of Public Works defers to the Departments of Law and Housing and Community Development as to the legal and practical ability to impose extended notification periods, stay the possession of foreclosed property for one year, and generate more favorable payment terms.



David E. Scott, P.E.  
Director

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