

FROM	NAME & TITLE	David E. Scott, Acting Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	CITY COUNCIL BILL 08-0065		

DATE: April 23, 2008

TO

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 08-0065 introduced by Council President Rawlings Blake on behalf of the Administration (Department of Law).

The purpose of the Bill is to provide for the disposition of certain foreclosure chattels; require certain notice prior to execution of a writ of possession; provide for a postponement of execution under certain circumstances; provide that unclaimed property is deemed abandoned under certain circumstances; prohibit placement of eviction chattels in certain public ways; define certain terms; impose certain penalties; provide for a special effective date; and generally relating to the removal and disposition of personal property from foreclosed-upon real property.

City Council Bill 08-0065, if approved, would require a foreclosure purchaser 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 notice must include: occupant's name or "current occupant" and the property address; the scheduled eviction date; statement that the occupant will be evicted on that date unless the occupant moves out and gives control of the property to the foreclosure purchaser; warn that personal property remaining as of the date of eviction will be considered abandoned and may be disposed of; and a statement that the notice is final, even if the eviction date is postponed by the Sheriff or by the court. 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 would be considered abandoned and may be disposed of in a lawful manner. Abandoned property would be prohibited from placement in the public right-of-way or on any public property.



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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 are to afford tenants with adequate and timely notice of pending evictions, opportunities for recovery of tenants' possessions, and a lawful means for disposition of eviction chattels. City Council Bill 08-0065 applies similar protections to occupants of property that are subject to a foreclosure sale, judicial sale, or a tax sale.

The Department of Public Works finds City Council Bill 08-0065 to be consistent with other legislative actions concerning notice of eviction and the status of eviction chattel and therefore supports its passage.



DAVID E. SCOTT
ACTING DIRECTOR

DES/MMC:pat