

Baltimore City Sheriff's Office

Evictions in Baltimore City of Baltimore

Procedures for tenants and landlords

- Landlord Scheduling and Notifying Tenant of the Date of Eviction
- What Happens When the Sheriff Comes to do the Eviction
- Landlord Disposal of Property Left After the Eviction

Baltimore City Code, Article 13, Subtitle 8A

Step One:

- Judge Issues an "Order of Warrant of Restitution"
 - The District Court mails the signed Warrant of Restitution to the tenant and the landlord

Step Two:

- Scheduling an Eviction
 - After the signed warrant is delivered to the Sheriff's office (5-10 days), the landlord calls the Sheriff at 410-396-7412- to schedule the eviction. The eviction must be scheduled far enough in advance to give the landlord time to provide notice

Step Three:

- Landlord Notifies Tenant of Date of Scheduled Eviction
 - Mail the notice to the tenant by **first class mail with a certificate of mailing at least 14 days** in advance of the eviction date
 - **Post the notice on the premises at least 7 days** in advance of the eviction date

Step Four:

- What the Tenant must do before the eviction date
 - Pay to redeem ("Pay and Stay"). Unless the Judge checked the box on the Warrant of Restitution and says "Without Right of Redemption," the tenant has the right to pay the amount ordered by the Judge to the landlord in cash,

certified check, or money order prior to the beginning of the actual eviction. Paying the redemption amount will cancel the eviction.

- Or, Move Out. The only way for tenants to protect their belongings is to move them out before the eviction date, return the keys and tell the landlord they have vacated the unit.

Step Five:

- At the Eviction – When the Sheriff arrives to do the eviction:
 - The landlord or an agent must be present to change the locks on the property and take back possession – The Sheriff's former policy of a minimum number of landlord workers is no longer in effect

Step Six

- Disposal of property after the eviction
 - When the Sheriff returns possession of the property to the landlord and the landlord changes the locks, any of the tenant's personal property left in or around the rental unit is considered abandoned. The tenant has no right to the property. The landlord's only obligation for abandoned property is to properly dispose of it.

<http://www.publicjustice.org/uploads/file/pdf/Evictions%20brchr%202016a.pdf>

Source: *Baltimore City Office of the Sheriff*
<https://sheriff.baltimorecity.gov/landlordstenants>

BALTIMORE CITY CODE
HOUSING AND URBAN RENEWAL

ART. 13, § 8A-1

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.

(d) Foreclosure purchaser.

“Foreclosure purchaser” means:

(1) any person who purchases real property in:

(i) a foreclosure sale under Maryland Rules Title 14 {“Sales of Property”}, Chapter 200 {“Foreclosure of Lien Instruments”};

(ii) a judicial sale under Maryland Rules Title 14 {“Sales of Property”}, Chapter 300 {“Judicial Sales”}; or

(iii) a tax sale under Maryland Rules Title 14 {“Sales of Property”}, Chapter 500 {“Tax Sales”}; and

(2) any substituted purchaser, as defined in Maryland Rule 14-207(f)(3).

(Ord. 07-496; Ord. 08-041.)

§ 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:

- (1) in favor of a foreclosure purchaser; or
- (2) in favor of a landlord for possession of a leased dwelling under one of the following sections of the State Real Property Article:
 - (i) § 14-120 {"Abatement of nuisance; dangerous substances"};
 - (ii) § 14-123 {"Baltimore City nuisance actions"};
 - (iii) § 8-402 {"Tenant holding over"};
 - (iv) § 8-402.1 {"Breach of lease [after written notice and show cause hearing]"}; or
 - (v) § 8-402.4 {"Wrongful detainer"}.

(b) Notice required.

Whenever a judgment is entered in favor of the landlord for possession of a leased dwelling, the landlord shall notify the tenant of the date on which the warrant of restitution is first scheduled to be executed by the Sheriff.

(c) How given.

The notice shall be:

- (1) mailed by first-class mail with certificate of mailing at least 14 days before the first scheduled date of execution; and
- (2) posted on the premises at least 7 days before the first scheduled date of execution.

(d) Contents.

The notice shall:

- (1) state the District Court Summary Ejectment Case Number, the tenant's name, and the address of the leased dwelling;
- (2) specify the date on which the eviction is first scheduled to be executed;
- (3) state that the eviction will be executed on that date unless:
 - (i) the tenant moves out and returns control of the property to the landlord; or

(ii) the tenant exercises the right to redemption under State Real Property Article § 8-401(e), unless the right to redeem has been foreclosed or otherwise is inapplicable;

(4) prominently warn the tenant that any property left in the leased dwelling will be considered abandoned and may be disposed of on execution of the warrant of restitution; and

(5) state that it is the final notice of the date of the eviction, even if the eviction date is postponed by the Sheriff or the court.

(e) Charge for notice.

A landlord may charge the tenant for expenses incurred in providing this notice, up to a maximum of \$5.

(Ord. 07-496; Ord. 08-041; Ord. 11-458.)

§ 8A-3. Vacating execution of warrant.

(a) By Sheriff.

If the Sheriff reasonably believes that the landlord did not provide the tenant with the notice required by § 8A-2 of this subtitle, the Sheriff shall notify the District Court and may not execute the warrant of restitution until further order of the Court.

(b) By District Court.

If the District Court finds that the landlord did not provide the tenant with the notice required by § 8A-2 of this subtitle, the District Court shall vacate the warrant of restitution.

(c) Presumption that tenant notified.

If the landlord provides a copy of the notice, certificate of mailing, and signed affidavit by the person who posted the property, all of which are dated within the proper time periods required by § 8A-2 of this subtitle, there is a rebuttable presumption that the tenant was notified.

(Ord. 07-496; Ord. 11-458.)

§ 8A-4. Unclaimed property is abandoned.

(a) In general.

All property in or about the leased premises at the time that the warrant of restitution is executed is abandoned.

(b) No liability.

Neither the landlord nor someone acting on the landlord's behalf is liable for any loss or damage to abandoned property.

(Ord. 07-496.)

§ 8A-5. Disposition of abandoned property.

(a) Required methods.

The landlord shall dispose of abandoned eviction chattels by:

- (1) transporting them to a licensed landfill or solid waste facility;
- (2) donating them to charity; or
- (3) some other legal means.

(b) Discount at City landfill or solid waste facility.

(1) A landlord who disposes of eviction chattels at a City-owned or operated landfill or solid waste facility may be charged no more than the same fees charged to the Housing Authority of Baltimore City (HABC).

(2) To be eligible for HABC rates, the landlord or landlord's agent must present at the facility at the time of disposal:

- (i) a copy of the warrant of restitution issued for the leased dwelling; and
- (ii) proof that the leased dwelling is registered or licensed under City Code Article 13, Subtitle 4 {"Registration of Non-Owner-Occupied Dwellings, etc."} or Subtitle 5 {"Licensing of Rental Dwellings"}.

(3) Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General Provisions Article, the Department of Public Works may adopt rules and regulations to carry out this subsection.

Editor's Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed this subsection (b)(1) to refer expressly to the requirements of the recently-

enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

(4) A person may not make any false or misleading representation in connection with the fee rate authorized by this subsection.

(Ord. 07-496; Ord. 18-130; Text Conformed 02/19/21.)

§ 8A-6. Prohibited placement in public way.

Under no circumstances may eviction chattels, abandoned or otherwise, be placed in a public right of-way or on any public property.

(Ord. 07-496.)

§§ 8A-7 to 8A-8. {Reserved}

§ 8A-9. Penalties.

(a) In general.

Any person who violates any provision of § 8A-5 or § 8A-6 of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.

(b) Each day a separate offense.

Each day that a violation continues is a separate offense.

(Ord. 07-496.)