


Andrew Klein

FROM	NAME & TITLE	Andrew W. Klein, Budget Chief	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Finance Room 432 City Hall (396-4941)		
	SUBJECT	City Council Bill No. 09-0289 – Foreclosure Chattel - Notice of Dispossession		

TO

DATE: March 17, 2009

Honorable President and
 Members of the City Council
 C/O Karen Randle
 Room 409, City Hall

City Council Bill 09-0289 proposes the extension in the period for eviction execution for properties following docketed foreclosure and sale for nonpayment of mortgage or deed of trust. The bill proposes that the notice of eviction should be extended from the current 14 days to 365 days before the first scheduled date for execution. The amendment would be valid until January 20, 2013.

Analysis

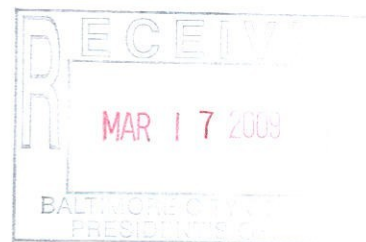
- According to the Civil Division of the Circuit Court, there were about 3,700 foreclosure cases filed due nonpayment of mortgage.
- According to the Civil Division of the Circuit Court, it takes an average of nine month for a property to be foreclosed after the case is filed with the Circuit Court.
- A material number of properties subject to foreclosure include separate filed cases for mortgage nonpayment and tax sale. The total number of properties with two foreclosure cases filed is unknown.
- In a foreclosure case filed for nonpayment of mortgage or deed of trust, which is the scenario subject to the amendments proposed by this bill, the eviction notice extension from 14 to 365 days will only delay the time for execution.

City Council Bill 09-0289 may not have a significant fiscal impact to the City since the proposed amendments apply only for cases of properties facing mortgage nonpayment and deed of trust foreclosure, which do not include tax sale foreclosures. However, it is unclear how, under the proposed changes, an eviction notice would be applied in a case where a property is being foreclosed with two cases filed, one for mortgage nonpayment and another for tax sale.

Finance Department Position

The Finance Department defers its recommendation for Council Bill 09-0289 to the Law Department.

cc: Edward Gallagher
 Angela Gibson
 Pedro Aponte



Defers to Law.