

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

April 11, 2011

The Honorable President and  
Members of the Baltimore  
City Council  
c/o Karen Randle, Executive Secretary  
409 City Hall  
Baltimore, MD 21202

RE: City Council Bill 11-0666 – Eviction Chattels- Foreclosure Chattels

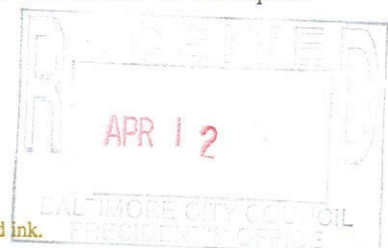
Dear President and Members:

You have requested the advice of the Law Department regarding City Council Bill 11-0666.

The proposed ordinance would amend Subtitles 8A and 8B of the Housing and Urban Renewal Article of the City Code relating to Eviction Chattels and Foreclosure Chattels (“Clean Streets”).

Currently, notices of the scheduled date of eviction to tenants and notices of the scheduled date of foreclosure to occupants must be mailed by certified mail as well as by first-class mail and by posting on the premises. The amendments would eliminate the need to provide notice by certified mail because the certified mail provisions are unnecessary to provide effective notification. A tenant’s maximum charge for expenses would be reduced from \$10 to \$5.

The amendments will also remedy current inefficiencies in the use of the notice provisions by landlords and foreclosure purchasers. If enacted, failure to comply with notice provisions by a landlord will cause the District Court to vacate the warrant of restitution for that landlord’s premises and failure to comply with notice provisions by a foreclosure purchaser will cause the Circuit Court to vacate the writ of possession. If the landlord or foreclosure purchaser provides a copy of the notice, a certificate of first class mailing and a signed affidavit of the person who posted notice, there is a rebuttable presumption that the tenant or occupant was notified.



These are non-controversial amendments. The Sheriff's Office supports them, as do the landlord and tenant representatives participating in the Working Group on Eviction Chattels who are the active lobbyists for those respective stakeholders.

The Law Department approves City Council Bill 11-0666 for form and legal sufficiency.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Suzanne Sangree', written in a cursive style.

Suzanne Sangree  
Chief Solicitor

cc: Honorable James Kraft  
Angela Gibson, City Council Liaison  
George Nilson, City Solicitor  
Elena DiPietro, Chief Solicitor  
Hilary Ruley, Assistant Solicitor  
Ashlea Brown, Assistant Solicitor  
Victor Tervalá, Assistant Solicitor