



Legislation Details (With Text)

File #: 08-0065 **Version:** 0 **Name:** Foreclosure Chattels
Type: Ordinance **Status:** Enacted
File created: 3/10/2008 **In control:** City Council
On agenda: **Final action:** 6/12/2008
Enactment date: **Enactment #:** 08-41
Title: Foreclosure Chattels

FOR the purpose of providing for the disposition of certain foreclosure chattels; requiring certain notice prior to execution of a writ of possession; providing for a postponement of execution under certain circumstances; providing that unclaimed property is deemed abandoned under certain circumstances; prohibiting the placement of eviction chattels in certain public ways; defining certain terms; imposing certain penalties; providing for a special effective date; and generally relating to the removal and disposition of personal property from foreclosed-upon real property.

Sponsors: City Council President (Administration)

Indexes: Chattels, Foreclosure

Code sections:

Attachments: 1. 08-0065 - 1st Reader.pdf, 2. Finance - 08-0065.pdf, 3. DPW - 08-0065.pdf, 4. Law - 08-0065.pdf, 5. Police - 08-0065.pdf, 6. HCD - 08-0065.pdf, 7. 08-0065 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
6/12/2008	0	Mayor	Signed by Mayor	
6/9/2008	0	City Council	Approved and Sent to the Mayor	
6/2/2008	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
6/2/2008	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
5/5/2008	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
3/13/2008	0	The City Council	Referred for a Report	
3/13/2008	0	The City Council	Referred for a Report	
3/13/2008	0	The City Council	Referred for a Report	
3/13/2008	0	The City Council	Referred for a Report	
3/13/2008	0	The City Council	Referred for a Report	
3/10/2008	0	City Council	Assigned	
3/10/2008	0	City Council	Introduced	

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.
INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration (Law Department)

A BILL ENTITLED

AN ORDINANCE concerning
Foreclosure Chattels

FOR the purpose of providing for the disposition of certain foreclosure chattels; requiring certain notice prior to execution of a writ of possession; providing for a postponement of execution under certain circumstances; providing that unclaimed property is deemed abandoned under certain circumstances; prohibiting the placement of eviction chattels in certain public ways; defining certain terms; imposing certain penalties; providing for a special effective date; and generally relating to the removal and disposition of personal property from foreclosed-upon real property.

BY adding

Article 13 - Housing and Urban Renewal

Section(s) 8A-1(d) and 8B-1 through 8B-9, to be under the new subtitle,
"Subtitle 8B. Foreclosure Chattels"

Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal

Section(s) 8A-2(a)

Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 13. Housing and Urban Renewal

Subtitle 8A. Eviction Chattels

§ 8A-1. Definitions.

(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).

§ 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) [(1)] § 14-120 {"Abatement of nuisance; dangerous substances"};

(II) [(2)] § 14-123 {"Baltimore City nuisance actions"};

(III) [(3)] § 8-402 {"Tenant holding over"};

(IV) [(4)] § 8-402.1 {"Breach of lease [after written notice and show cause hearing]"}; or

(V) [(5)] § 8-402.4 {"Wrongful detainer"}.

SUBTITLE 8B. EVICTION CHATTELS

§ 8B-1. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) 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).

§ 8B-2. Notice of pending dispossession.

(A) NOTICE REQUIRED.

WHENEVER A JUDGMENT IS ENTERED IN FAVOR OF A FORECLOSURE PURCHASER FOR POSSESSION OF THE PROPERTY PURCHASED AND THE COURT HAS ISSUED A WRIT OF POSSESSION, THE FORECLOSURE PURCHASER SHALL:

(1) NOTIFY ANY OCCUPANT OF THE PROPERTY OF THE DATE ON WHICH THE WRIT OF POSSESSION IS FIRST SCHEDULED TO BE EXECUTED BY THE SHERIFF; OR

(2) IF THE SHERIFF HAS AGREED TO PROVIDE NOTICES OF THIS SORT, ARRANGE FOR THE SHERIFF TO NOTIFY THE OCCUPANT OF THE DATE ON WHICH THE WRIT OF POSSESSION IS FIRST SCHEDULED TO BE EXECUTED.

(B) HOW GIVEN.

THE NOTICE SHALL BE:

(1) MAILED BOTH BY CERTIFIED MAIL AND 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.

(C) CONTENTS.

THE NOTICE SHALL:

(1) STATE THE CIRCUIT COURT WRIT OF POSSESSION CASE NUMBER, THE OCCUPANT'S NAME, IF KNOWN, THE PHRASE "OR CURRENT OCCUPANT", AND THE ADDRESS OF THE PROPERTY;

(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 THE OCCUPANT MOVES OUT AND DELIVERS CONTROL OF THE PROPERTY TO THE FORECLOSURE PURCHASER;

(4) PROMINENTLY WARN THE OCCUPANT THAT ANY PERSONAL PROPERTY LEFT ON THE FORECLOSED PROPERTY WILL BE CONSIDERED ABANDONED AND MAY BE DISPOSED OF ON EXECUTION OF THE WRIT OF POSSESSION; 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.

§ 8B-3. POSTPONING EXECUTION OF WRIT.

(A) BY CIRCUIT COURT.

THE CIRCUIT COURT SHALL STAY THE EXECUTION OF THE WRIT OF POSSESSION FOR A PERIOD OF AT LEAST 15 DAYS IF THE COURT FINDS THAT THE FORECLOSURE PURCHASER OR THE SHERIFF DID NOT PROVIDE THE NOTICE TO THE OCCUPANT REQUIRED BY § 8B-2 OF THIS SUBTITLE.

(B) BY SHERIFF.

THE SHERIFF SHALL STAY THE EXECUTION OF THE WRIT OF POSSESSION FOR A PERIOD OF AT LEAST 15 DAYS IF THE SHERIFF REASONABLY DETERMINES THAT THE FORECLOSURE PURCHASER DID NOT PROVIDE THE NOTICE TO THE TENANT REQUIRED BY § 8A-2 OF THIS SUBTITLE.

(C) PRESUMPTION THAT NOTICE RECEIVED.

IF THE FORECLOSURE PURCHASER PROVIDES A COPY OF THE NOTICE, A CERTIFICATION THAT THE NOTICE WAS MAILED FIRST CLASS AND BY CERTIFIED MAIL (WITH THE CERTIFIED MAIL NUMBER), AND A SIGNED AFFIDAVIT BY THE PERSON WHO POSTED THE PROPERTY, ALL OF WHICH ARE DATED WITHIN THE PROPER TIME PERIODS REQUIRED BY § 8B-2 OF THIS SUBTITLE, THERE IS A PRESUMPTION THAT THE NOTICE WAS ACTUALLY RECEIVED BY THE OCCUPANT.

§ 8A-4. UNCLAIMED PROPERTY IS ABANDONED.

(A) IN GENERAL.

ALL PERSONAL PROPERTY IN OR ABOUT THE FORECLOSED PROPERTY AT THE TIME THAT THE WRIT OF POSSESSION IS EXECUTED IS ABANDONED.

(B) NO LIABILITY.

NEITHER THE FORECLOSURE PURCHASER NOR SOMEONE ACTING ON THE PURCHASER'S BEHALF IS LIABLE FOR ANY LOSS OR DAMAGE TO ABANDONED PROPERTY.

§ 8A-5. DISPOSITION OF ABANDONED PROPERTY.

THE FORECLOSURE PURCHASER SHALL DISPOSE OF ABANDONED PERSONAL PROPERTY BY:

- (1) TRANSPORTING IT TO A LICENSED LANDFILL OR SOLID WASTE FACILITY;
- (2) DONATING IT TO CHARITY;
- (3) DONATING IT TO THE FORMER OCCUPANT OR FORMER OWNER; OR
- (4) SOME OTHER LEGAL MEANS.

§ 8A-6. PROHIBITED PLACEMENT IN PUBLIC WAY.

UNDER NO CIRCUMSTANCES MAY ANY PROPERTY, ABANDONED OR OTHERWISE, BE PLACED IN A PUBLIC RIGHT-OF-WAY OR ON ANY PUBLIC PROPERTY.

§§ 8A-7 TO 8A-8. {RESERVED}

§ 8A-9. PENALTIES.

(A) IN GENERAL.

ANY PERSON WHO VIOLATES ANY PROVISION OF § 8B-5 OR § 8B-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.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 60th day after the date it is enacted.. All writs of possession scheduled to be executed on or after that effective date, shall be in compliance with this Ordinance.

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