

# SENATE BILL 503

N1

11r1457

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By: **Senator Rosapepe**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Foreclosure Purchaser and Tenant – Evictions – Tenant’s Right to Reclaim**  
3 **Personal Property**

4 FOR the purpose of requiring a sheriff or county official directed to evict a tenant to  
5 give notice in a certain manner to a certain purchaser and the tenant of the  
6 scheduled date of execution of a certain warrant of restitution; establishing that  
7 the tenant has the right to reclaim any personal property left in the premises  
8 within a certain time period after the execution of the warrant of restitution;  
9 requiring the sheriff or county official to post a certain notice on the premises;  
10 authorizing the purchaser to secure the tenant’s personal property in a certain  
11 manner; requiring the purchaser to allow the tenant to make reasonable  
12 arrangements to obtain and move the personal property; prohibiting the  
13 purchaser from demanding a certain fee or imposing certain conditions;  
14 requiring the tenant to pay certain moving and storage fees under certain  
15 circumstances; providing for the disposal of the tenant’s personal property  
16 under certain circumstances; establishing that certain persons are not obligated  
17 to take certain actions; and generally relating to the disposition of the tenant’s  
18 personal property following an eviction.

19 BY adding to

20 Article – Real Property

21 Section 7–105.6A

22 Annotated Code of Maryland

23 (2010 Replacement Volume and 2010 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Real Property**

27 **7–105.6A.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) (1) WHENEVER A MOTION FOR POSSESSION IN A FORECLOSURE**  
2 **CASE IS GRANTED IN FAVOR OF THE PURCHASER FOR POSSESSION OF LEASED**  
3 **PREMISES UNDER THIS SUBTITLE, THE SHERIFF OR COUNTY OFFICIAL**  
4 **DIRECTED TO CARRY OUT THE EVICTION OF THE TENANT SHALL NOTIFY THE**  
5 **PURCHASER AND THE TENANT OF THE SCHEDULED DATE ON WHICH THE**  
6 **WARRANT OF RESTITUTION WILL BE EXECUTED.**

7           **(2) THE NOTICE SHALL BE:**

8                   **(I) MAILED BY FIRST-CLASS MAIL AT LEAST 10 BUSINESS**  
9 **DAYS BEFORE THE SCHEDULED DATE OF EXECUTION; OR**

10                   **(II) POSTED ON THE PREMISES AT LEAST 7 DAYS BEFORE**  
11 **THE SCHEDULED DATE OF EXECUTION.**

12           **(B) THE TENANT HAS THE RIGHT TO RECLAIM ANY PERSONAL**  
13 **PROPERTY LEFT IN THE PREMISES WITHIN 3 FULL DAYS AFTER THE DATE THE**  
14 **WARRANT OF RESTITUTION WAS EXECUTED.**

15           **(C) THE SHERIFF OR COUNTY OFFICIAL WHO EXECUTES A WARRANT OF**  
16 **RESTITUTION SHALL POST ON THE DOOR OF THE PREMISES A NOTICE THAT**  
17 **STATES:**

18                   **(1) THAT THE WARRANT OF RESTITUTION HAS BEEN EXECUTED**  
19 **AND THE DATE OF EXECUTION;**

20                   **(2) THAT THE TENANT HAS THE RIGHT TO RECLAIM THE**  
21 **TENANT'S PERSONAL PROPERTY WITHIN 3 FULL DAYS AFTER THE DATE THE**  
22 **WARRANT OF RESTITUTION WAS EXECUTED; AND**

23                   **(3) INSTRUCTIONS ON HOW THE TENANT MAY EXERCISE THE**  
24 **RIGHT TO RECLAIM THE TENANT'S PERSONAL PROPERTY.**

25           **(D) DURING THE PERIOD OF THE TENANT'S RIGHT TO RECLAIM**  
26 **PERSONAL PROPERTY, THE PURCHASER MAY:**

27                   **(1) LEAVE THE TENANT'S PERSONAL PROPERTY IN THE**  
28 **PREMISES AFTER CHANGING THE LOCKS AND SECURING THE PREMISES;**

29                   **(2) MOVE THE TENANT'S PERSONAL PROPERTY TO A SECURE**  
30 **STORAGE AREA UNDER THE PURCHASER'S CONTROL WITHIN A REASONABLE**  
31 **DISTANCE OF THE PREMISES; OR**

1           **(3) MOVE THE TENANT'S PERSONAL PROPERTY TO A PUBLIC**  
2 **WAREHOUSE.**

3           **(E) THE PURCHASER SHALL ALLOW THE TENANT TO MAKE**  
4 **REASONABLE ARRANGEMENTS TO OBTAIN AND MOVE THE PERSONAL PROPERTY**  
5 **DURING THE RECLAMATION PERIOD.**

6           **(F) THE PURCHASER MAY NOT DEMAND A FEE OR IMPOSE OTHER**  
7 **CONDITIONS ON THE TENANT'S RIGHT TO RECLAIM THE PERSONAL PROPERTY.**

8           **(G) IF THE PERSONAL PROPERTY IS MOVED TO A PUBLIC WAREHOUSE,**  
9 **THE TENANT SHALL PAY THE MOVING AND STORAGE FEES TO THE**  
10 **WAREHOUSEMAN TO OBTAIN THE PERSONAL PROPERTY.**

11           **(H) (1) IF THE TENANT DOES NOT RECLAIM THE PERSONAL**  
12 **PROPERTY WITHIN THE RECLAMATION PERIOD, THE PROPERTY IS CONSIDERED**  
13 **TO BE ABANDONED.**

14           **(2) THE PURCHASER OR WAREHOUSEMAN MAY DISPOSE OF THE**  
15 **PERSONAL PROPERTY AT A PUBLIC DISPOSAL FACILITY AND SHALL PAY ANY**  
16 **FEES FOR THE DISPOSAL.**

17           **(3) THE PERSONAL PROPERTY MAY NOT BE DISPOSED OF IN THE**  
18 **PUBLIC RIGHT-OF-WAY OR ON ANY PUBLIC PROPERTY.**

19           **(I) THE PURCHASER OR WAREHOUSEMAN IS NOT OBLIGATED TO**  
20 **INVENTORY OR TO TAKE ANY STEPS TO PRESERVE THE TENANT'S PERSONAL**  
21 **PROPERTY BEYOND PROVIDING SECURE PHYSICAL STORAGE DURING THE**  
22 **RECLAMATION PERIOD.**

23           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2011.