
By: **Delegates Cane, Anderson, Benson, Bobo, Carter, Frush, Gutierrez,
Howard, Kirk, Madaleno, Mandel, Murray, Nathan-Pulliam, Patterson,
and Stern**

Introduced and read first time: February 13, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

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

19 BY adding to
20 Article - Real Property
21 Section 8-405
22 Annotated Code of Maryland
23 (2003 Replacement Volume and 2005 Supplement)

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

1 **Article - Real Property**

2 8-405.

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

8 (2) THE NOTICE SHALL BE:

9 (I) MAILED BY FIRST-CLASS MAIL AT LEAST 5 BUSINESS DAYS
10 BEFORE THE SCHEDULED DATE OF EXECUTION; OR

11 (II) POSTED ON THE PREMISES AT LEAST 2 DAYS BEFORE THE
12 SCHEDULED DATE OF EXECUTION.

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

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

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

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

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

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

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

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

32 (3) MOVE THE TENANT'S PERSONAL PROPERTY TO A PUBLIC
33 WAREHOUSE.

34 (E) THE LANDLORD SHALL ALLOW THE TENANT TO MAKE REASONABLE
35 ARRANGEMENTS TO OBTAIN AND MOVE THE PERSONAL PROPERTY DURING THE
36 RECLAMATION PERIOD.

1 (F) THE LANDLORD MAY NOT DEMAND A FEE OR IMPOSE OTHER CONDITIONS
2 ON THE TENANT'S RIGHT TO RECLAIM THE PERSONAL PROPERTY.

3 (G) IF THE PERSONAL PROPERTY IS MOVED TO A PUBLIC WAREHOUSE, THE
4 TENANT SHALL PAY THE MOVING AND STORAGE FEES TO THE WAREHOUSEMAN TO
5 OBTAIN THE PERSONAL PROPERTY.

6 (H) (1) IF THE TENANT DOES NOT RECLAIM THE PERSONAL PROPERTY
7 WITHIN THE RECLAMATION PERIOD, THE PROPERTY IS CONSIDERED TO BE
8 ABANDONED.

9 (2) THE LANDLORD OR WAREHOUSEMAN MAY DISPOSE OF THE
10 PERSONAL PROPERTY AT A PUBLIC DISPOSAL FACILITY AND SHALL PAY ANY FEES
11 FOR THE DISPOSAL.

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

14 (I) THE LANDLORD OR WAREHOUSEMAN IS NOT OBLIGATED TO INVENTORY
15 OR TO TAKE ANY STEPS TO PRESERVE THE TENANT'S PERSONAL PROPERTY BEYOND
16 PROVIDING SECURE PHYSICAL STORAGE DURING THE RECLAMATION PERIOD.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2006.