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By: **Senator Hughes**  
Introduced and read first time: February 3, 2006  
Assigned to: Judicial Proceedings

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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:

26 **Article - Real Property**

27 8-405.

28 (A) (1) WHENEVER A JUDGMENT IS ENTERED IN FAVOR OF THE LANDLORD  
29 FOR POSSESSION OF LEASED PREMISES UNDER THIS SUBTITLE, THE SHERIFF OR  
30 COUNTY OFFICIAL DIRECTED TO CARRY OUT THE EVICTION OF THE TENANT SHALL

1 NOTIFY THE LANDLORD AND THE TENANT OF THE SCHEDULED DATE ON WHICH THE  
2 WARRANT OF RESTITUTION WILL BE EXECUTED.

3 (2) THE NOTICE SHALL BE:

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

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

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

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

13 (1) THAT THE WARRANT OF RESTITUTION HAS BEEN EXECUTED AND  
14 THE DATE OF EXECUTION;

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

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

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

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

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

27 (3) MOVE THE TENANT'S PERSONAL PROPERTY TO A PUBLIC  
28 WAREHOUSE.

29 (E) THE LANDLORD SHALL ALLOW THE TENANT TO MAKE REASONABLE  
30 ARRANGEMENTS TO OBTAIN AND MOVE THE PERSONAL PROPERTY DURING THE  
31 RECLAMATION PERIOD.

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

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

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

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

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

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

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