

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

House Bill 1374

(Delegate Myers, *et al.*)

Environmental Matters

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Landlord and Tenant - Eviction - Abandoned Chattels

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This bill authorizes a landlord to dispose of personal property that remains on the premises of a legally evicted tenant immediately upon execution of an eviction warrant by • transporting such property to a refuse disposal system; • donating the property to charity; or • disposing of the property by other legal means.

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Fiscal Summary

**State Effect:** The bill would not directly affect State finances or operations. If the Attorney General's Office receives fewer than 50 complaints per year stemming from the bill, the additional workload could be handled with existing resources.

**Local Effect:** The bill would not directly affect local finances or operations.

**Small Business Effect:** Potential minimal.

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Analysis

**Bill Summary:** The bill states that all furniture, implements, tools, goods, effects, or any other chattels belonging to a tenant or to any person holding under the tenant that remain on the property after a legal eviction are presumed abandoned when the warrant of restitution is executed. The bill states that a landlord or landlord's agent is not liable for any loss or damage to abandoned chattels.

**Current Law/Background:** When a tenant fails to pay rent, the landlord is entitled to repossession of the premises through filing an action in District Court. If the court finds in favor of the landlord, the court must order that possession of the premises be given to

the landlord within four days after trial. However, the tenant may still pay the past due rent and late fees. If the tenant does so, judgment is for the tenant.

If the judgment is in favor of the landlord and the tenant fails to pay the past due rent and late fees, the court must issue its warrant directly to any official of the county entitled to serve process, ordering the official to give the landlord possession of the premises and to remove, by force if necessary, the personal property of the tenant and anyone claiming or holding by or under the tenant. The tenant also has a right to redeem the leased premises after the landlord is awarded a judgment by giving the landlord all past due amounts, as determined by the court, plus all court awarded costs and fees, at any time before the execution of the eviction order. Neither the landlord nor the person executing the eviction warrant is required to retain possession of the tenant's personal property, although the landlord is typically required by local ordinances to dispose of it properly.

The bill will allow landlords to immediately dispose of the personal property of a tenant remaining on the premises at the time of eviction. Upon service of the warrant, the bill states that the property would immediately be considered legally abandoned and could be removed by the landlord through waste disposal or donation to charity.

**Additional Comments:** In many eviction situations, the tenant is destitute and cannot afford to arrange for the removal of his/her personal property from the premises prior to service of an eviction warrant. In such situations, the tenant's personal property is typically removed by county officials or their agents when executing the warrant and is generally placed outside the premises for disposal or removal by the tenant.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Office of the Attorney General (Consumer Protection Division), Department of Legislative Services

**Fiscal Note History:** First Reader - March 11, 2008  
mll/jr

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