

# HOUSE BILL 776

N1

EMERGENCY BILL  
**ENROLLED BILL**

(9lr2180)

*—Environmental Matters/Judicial Proceedings—*

Introduced by **Delegates Healey, Lafferty, Hecht, Ali, Beidle, Bobo, Cane, Carr, Frush, Glenn, Holmes, Hucker, Shewell, Sossi, ~~and Stukes~~ Stukes, Valderrama, Niemann, and V. Clagett**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Real Property - Foreclosure of Mortgages and Deeds of Trust on Residential**  
3 **Property - Notice to Occupants**

4 FOR the purpose of requiring a certain notice to be sent to a certain address in a  
5 certain manner at the time of filing an action to foreclose a mortgage or deed of  
6 trust on certain residential property; requiring a certain notice of foreclosure  
7 sale to be sent to a certain address in a certain manner a certain period of time  
8 before a foreclosure sale of certain property; requiring a certain notice to be sent  
9 to a certain address in a certain manner within a certain time after the entry of  
10 a judgment awarding possession of certain property; requiring certain notices to  
11 be in a certain form and contain certain information; requiring certain  
12 envelopes to contain a certain statement; requiring a person who gives a certain  
13 notice to an occupant regarding a foreclosure to file an affidavit of compliance

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber / conference committee amendments.*



1 under certain circumstances; providing that a new or additional notice to an  
 2 occupant regarding a foreclosure does not need to be given under certain  
 3 circumstances; defining a certain term; providing for the application of this Act;  
 4 making this Act an emergency measure; and generally relating to notices  
 5 regarding foreclosure actions on residential property.

6 BY adding to

7 Article – Real Property

8 Section 7–105.9

9 Annotated Code of Maryland

10 (2003 Replacement Volume and 2008 Supplement)

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

13 **Article – Real Property**

14 **7–105.9.**

15 (A) IN THIS SECTION, “RESIDENTIAL PROPERTY” HAS THE MEANING  
 16 STATED IN § 7–105.1 OF THIS SUBTITLE.

17 (B) (1) IN ADDITION TO ANY OTHER NOTICE REQUIRED TO BE GIVEN  
 18 BY THIS CODE OR THE MARYLAND RULES, THE PERSON AUTHORIZED TO MAKE  
 19 A SALE IN AN ACTION TO FORECLOSE A MORTGAGE OR DEED OF TRUST ON  
 20 RESIDENTIAL PROPERTY SHALL SEND, AT THE SAME TIME AS THE NOTICE  
 21 REQUIRED BY ~~§ 7–105(D)(2)(VII)~~ § 7–105.1(D)(2)(VII) OF THIS SUBTITLE, A  
 22 WRITTEN NOTICE ADDRESSED TO “ALL OCCUPANTS” AT THE ADDRESS OF THE  
 23 RESIDENTIAL PROPERTY IN SUBSTANTIALLY THE FOLLOWING FORM:

24 **“IMPORTANT NOTICE**

25 **A FORECLOSURE ACTION HAS BEEN FILED AGAINST THE PROPERTY**  
 26 **LOCATED AT (INSERT ADDRESS) IN THE CIRCUIT COURT FOR (INSERT NAME OF**  
 27 **COUNTY). THIS NOTICE IS BEING SENT TO YOU AS A PERSON WHO LIVES IN THIS**  
 28 **PROPERTY.**

29 **A FORECLOSURE SALE OF THE PROPERTY MAY OCCUR AT ANY TIME**  
 30 **AFTER 45 DAYS FROM THE DATE OF THIS NOTICE. YOU MAY WANT TO CONSULT**  
 31 **WITH AN ATTORNEY BECAUSE IF A FORECLOSURE SALE OF THE PROPERTY**  
 32 **OCCURS, YOU COULD BE EVICTED, EVEN IF YOU ARE A TENANT AND EVEN**  
 33 **IF YOU HAVE PAID THE RENT DUE AND COMPLIED WITH YOUR LEASE.**

34 **BELOW YOU WILL FIND THE NAME, ADDRESS, AND TELEPHONE NUMBER**  
 35 **OF THE PERSON AUTHORIZED TO SELL THE PROPERTY. YOU MAY CONTACT THIS**

1 PERSON TO FIND OUT MORE ABOUT THE SALE. FOR FURTHER INFORMATION,  
 2 YOU MAY REVIEW THE FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT  
 3 COURT. YOU ALSO MAY CONTACT THE MARYLAND DEPARTMENT OF HOUSING  
 4 AND COMMUNITY DEVELOPMENT, AT ~~1-877-462-7555~~ (INSERT TELEPHONE  
 5 NUMBER), OR CONSULT THE DEPARTMENT'S WEBSITE,  
 6 ~~HTTP://WWW.MDHOPE.ORG/~~ (INSERT WEBSITE ADDRESS), FOR ASSISTANCE.

7 PERSON AUTHORIZED TO SELL THE PROPERTY:

8 \_\_\_\_\_

9 NAME

10 \_\_\_\_\_

11 ADDRESS

12 \_\_\_\_\_

13 TELEPHONE

14 \_\_\_\_\_

15 DATE OF THIS NOTICE”.

16 (2) THE WRITTEN NOTICE REQUIRED BY THIS SUBSECTION SHALL  
 17 BE:

18 (I) A SEPARATE DOCUMENT;

19 (II) PRINTED IN AT LEAST 12 POINT TYPE; AND

20 (III) SENT BY FIRST-CLASS MAIL ~~WITH CERTIFICATE OF~~  
 21 ~~MAILING.~~

22 (3) THE OUTSIDE OF THE ENVELOPE CONTAINING THE WRITTEN  
 23 NOTICE REQUIRED BY THIS SUBSECTION SHALL STATE, ON THE ADDRESS SIDE,  
 24 IN BOLD, CAPITALIZED LETTERS IN AT LEAST 12 POINT TYPE, THE FOLLOWING:  
 25 “IMPORTANT NOTICE TO ALL OCCUPANTS: FORECLOSURE  
 26 INFORMATION ENCLOSED. OPEN IMMEDIATELY.”.

27 (C) (1) IN ADDITION TO ANY OTHER NOTICE REQUIRED TO BE GIVEN  
 28 BY THIS CODE OR THE MARYLAND RULES, THE PERSON AUTHORIZED TO MAKE  
 29 A SALE IN AN ACTION TO FORECLOSE A MORTGAGE OR DEED OF TRUST ON  
 30 RESIDENTIAL PROPERTY SHALL SEND A WRITTEN NOTICE OF THE SALE NOT  
 31 EARLIER THAN 30 DAYS AND NOT LATER THAN 10 DAYS BEFORE THE DATE OF  
 32 SALE ADDRESSED TO “ALL OCCUPANTS” AT THE ADDRESS OF THE RESIDENTIAL  
 33 PROPERTY IN SUBSTANTIALLY THE FOLLOWING FORM:

1                                   **“NOTICE OF IMPENDING FORECLOSURE SALE**

2                   **A FORECLOSURE ACTION HAS BEEN FILED AGAINST THE PROPERTY**  
3 **LOCATED AT (INSERT ADDRESS) IN THE CIRCUIT COURT FOR (INSERT NAME OF**  
4 **COUNTY). THIS NOTICE IS BEING SENT TO YOU AS A PERSON WHO LIVES IN THIS**  
5 **PROPERTY.**

6                   **A FORECLOSURE SALE OF THE PROPERTY IS SCHEDULED TO OCCUR AS**  
7 **FOLLOWS:**

8                   **DATE:** \_\_\_\_\_

9                   **TIME:** \_\_\_\_\_

10                  **PLACE:**\_\_\_\_\_

11                  **AFTER THIS SALE, YOU COULD BE EVICTED, EVEN IF YOU ARE A TENANT**  
12 **AND EVEN IF YOU HAVE PAID THE RENT DUE AND COMPLIED WITH YOUR LEASE.**

13                  **BELOW YOU WILL FIND THE NAME, ADDRESS, AND TELEPHONE NUMBER**  
14 **OF THE PERSON AUTHORIZED TO SELL THE PROPERTY. YOU MAY CONTACT THIS**  
15 **PERSON TO FIND OUT MORE ABOUT THE SALE. FOR FURTHER INFORMATION,**  
16 **YOU MAY REVIEW THE FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT**  
17 **COURT. YOU MAY WANT TO CONSULT AN ATTORNEY TO DETERMINE YOUR**  
18 **RIGHTS. YOU ALSO MAY CONTACT THE MARYLAND DEPARTMENT OF HOUSING**  
19 **AND COMMUNITY DEVELOPMENT, AT ~~1-877-462-7555~~ (INSERT TELEPHONE**  
20 **NUMBER), OR CONSULT THE DEPARTMENT’S WEBSITE,**  
21 **~~HTTP://WWW.MDHOPE.ORG/~~ (INSERT WEBSITE ADDRESS), FOR ASSISTANCE.**

22                  **PERSON AUTHORIZED TO SELL THE PROPERTY:**

23 \_\_\_\_\_  
24 **NAME**

25 \_\_\_\_\_  
26 **ADDRESS**

27 \_\_\_\_\_  
28 **TELEPHONE**

29 \_\_\_\_\_  
30 **DATE OF THIS NOTICE”.**



1 ~~PERSON AUTHORIZED TO SELL THE PROPERTY:~~  
2 **PURCHASER OF THE PROPERTY OR PURCHASER’S AGENT:**

3 \_\_\_\_\_  
4 **NAME**

5 \_\_\_\_\_  
6 **ADDRESS**

7 \_\_\_\_\_  
8 **TELEPHONE**

9 \_\_\_\_\_  
10 **DATE OF THIS NOTICE”.**

11 (2) **THE WRITTEN NOTICE REQUIRED BY THIS SUBSECTION SHALL**  
12 **BE:**

13 (I) **A SEPARATE DOCUMENT;**

14 (II) **PRINTED IN AT LEAST 12 POINT TYPE; AND**

15 (III) **SENT BY ~~CERTIFIED AND~~ FIRST-CLASS MAIL WITH**  
16 **CERTIFICATE OF MAILING.**

17 (3) **THE OUTSIDE OF THE ENVELOPE CONTAINING THE WRITTEN**  
18 **NOTICE REQUIRED BY THIS SUBSECTION SHALL STATE, ON THE ADDRESS SIDE,**  
19 **IN BOLD, CAPITALIZED LETTERS IN AT LEAST 12 POINT TYPE, THE FOLLOWING:**  
20 **“IMPORTANT NOTICE TO ALL OCCUPANTS: EVICTION**  
21 **INFORMATION ENCLOSED. OPEN IMMEDIATELY.”.**

22 (E) **THE PERSON GIVING A NOTICE REQUIRED BY THIS SECTION SHALL**  
23 **FILE IN THE FORECLOSURE PROCEEDING AFTER EACH NOTICE IS SENT AN**  
24 **AFFIDAVIT OF COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.**

25 (F) **IN THE EVENT OF POSTPONEMENT OF THE SALE, WHICH MAY BE**  
26 **DONE IN THE DISCRETION OF THE PERSON AUTHORIZED TO MAKE THE SALE, NO**  
27 **NEW OR ADDITIONAL NOTICE NEED BE GIVEN PURSUANT TO THIS SECTION.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
29 construed to apply only prospectively and may not be applied or interpreted to have  
30 any effect on or application to any foreclosure action filed before the effective date of  
31 this Act.

1           SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
2 measure, is necessary for the immediate preservation of the public health or safety,  
3 has been passed by a yea and nay vote supported by three-fifths of all the members  
4 elected to each of the two Houses of the General Assembly, and shall take effect from  
5 the date it is enacted.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.