

# HOUSE BILL 776

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EMERGENCY BILL

9lr2180  
CF SB 842

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By: **Delegates Healey, Lafferty, Hecht, Ali, Beidle, Bobo, Cane, Carr, Frush,  
Glenn, Holmes, Hucker, Shewell, Sossi, and Stukes**

Introduced and read first time: February 11, 2009

Assigned to: Environmental Matters

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## A BILL ENTITLED

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 after the entry of a judgment awarding  
10 possession of certain property; requiring certain notices to be in a certain form  
11 and contain certain information; requiring certain envelopes to contain a certain  
12 statement; defining a certain term; providing for the application of this Act;  
13 making this Act an emergency measure; and generally relating to notices  
14 regarding foreclosure actions on residential property.

15 BY adding to

16 Article – Real Property

17 Section 7–105.9

18 Annotated Code of Maryland

19 (2003 Replacement Volume and 2008 Supplement)

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

22 **Article – Real Property**

23 **7–105.9.**

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





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

3 (I) A SEPARATE DOCUMENT;

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

5 (III) SENT BY FIRST-CLASS MAIL.

6 (3) THE OUTSIDE OF THE ENVELOPE CONTAINING THE WRITTEN  
7 NOTICE REQUIRED BY THIS SUBSECTION SHALL STATE, ON THE ADDRESS SIDE,  
8 IN BOLD, CAPITALIZED LETTERS IN AT LEAST 12 POINT TYPE, THE FOLLOWING:  
9 "IMPORTANT NOTICE TO ALL OCCUPANTS: FORECLOSURE  
10 INFORMATION ENCLOSED. OPEN IMMEDIATELY."

11 (c) (1) IN ADDITION TO ANY OTHER NOTICE REQUIRED TO BE GIVEN  
12 BY THIS CODE OR THE MARYLAND RULES, THE PERSON AUTHORIZED TO MAKE  
13 A SALE IN AN ACTION TO FORECLOSE A MORTGAGE OR DEED OF TRUST ON  
14 RESIDENTIAL PROPERTY SHALL SEND A WRITTEN NOTICE OF THE SALE NOT  
15 EARLIER THAN 30 DAYS AND NOT LATER THAN 10 DAYS BEFORE THE DATE OF  
16 SALE ADDRESSED TO "ALL OCCUPANTS" AT THE ADDRESS OF THE RESIDENTIAL  
17 PROPERTY IN SUBSTANTIALLY THE FOLLOWING FORM:

18 "NOTICE OF IMPENDING FORECLOSURE SALE

19 A FORECLOSURE ACTION HAS BEEN FILED AGAINST THE PROPERTY  
20 LOCATED AT (INSERT ADDRESS) IN THE CIRCUIT COURT FOR (INSERT NAME OF  
21 COUNTY). THIS NOTICE IS BEING SENT TO YOU AS A PERSON WHO LIVES IN THIS  
22 PROPERTY.

23 A FORECLOSURE SALE OF THE PROPERTY IS SCHEDULED TO OCCUR AS  
24 FOLLOWS:

25 DATE: \_\_\_\_\_

26 TIME: \_\_\_\_\_

27 PLACE: \_\_\_\_\_

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

30 BELOW YOU WILL FIND THE NAME, ADDRESS, AND TELEPHONE NUMBER  
31 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 MAY WANT TO CONSULT AN ATTORNEY TO DETERMINE YOUR  
4 RIGHTS. YOU ALSO MAY CONTACT THE MARYLAND DEPARTMENT OF HOUSING  
5 AND COMMUNITY DEVELOPMENT, AT 1-877-462-7555, OR CONSULT THE  
6 DEPARTMENT’S WEBSITE, HTTP://WWW.MDHOPE.ORG/, 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 CERTIFIED AND FIRST-CLASS MAIL.

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

26 (D) (1) IN ADDITION TO ANY OTHER NOTICE REQUIRED TO BE GIVEN  
27 BY THIS CODE OR THE MARYLAND RULES, THE PERSON AUTHORIZED TO MAKE  
28 A SALE IN AN ACTION TO FORECLOSE A MORTGAGE OR DEED OF TRUST ON  
29 RESIDENTIAL PROPERTY SHALL SEND A WRITTEN NOTICE ADDRESSED TO “ALL  
30 OCCUPANTS” AT THE ADDRESS OF THE RESIDENTIAL PROPERTY IN  
31 SUBSTANTIALLY THE FOLLOWING FORM:

32 “IMPORTANT NOTICE

1 THE CIRCUIT COURT FOR (INSERT NAME OF COUNTY) HAS ENTERED A  
2 JUDGMENT AWARDING POSSESSION OF THE PROPERTY LOCATED AT (INSERT  
3 ADDRESS). YOU COULD BE EVICTED FROM THE PROPERTY ON ANY  
4 DAY AFTER (INSERT DATE).

5 BELOW YOU WILL FIND THE NAME, ADDRESS, AND TELEPHONE NUMBER  
6 OF THE PERSON AUTHORIZED TO SELL THE PROPERTY. YOU MAY CONTACT THIS  
7 PERSON TO FIND OUT MORE ABOUT THE COURT ORDER. FOR FURTHER  
8 INFORMATION, YOU MAY REVIEW THE FILE IN THE OFFICE OF THE CLERK OF  
9 THE CIRCUIT COURT. YOU MAY WANT TO CONSULT AN ATTORNEY TO  
10 DETERMINE YOUR RIGHTS. YOU ALSO MAY CONTACT THE MARYLAND  
11 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AT  
12 1-877-462-7555, OR CONSULT THE DEPARTMENT’S WEBSITE,  
13 HTTP://WWW.MDHOPE.ORG/, FOR ASSISTANCE.

14 PERSON AUTHORIZED TO SELL THE PROPERTY:

15 \_\_\_\_\_  
16 NAME

17 \_\_\_\_\_  
18 ADDRESS

19 \_\_\_\_\_  
20 TELEPHONE

21 \_\_\_\_\_  
22 DATE OF THIS NOTICE”.

23 (2) THE WRITTEN NOTICE REQUIRED BY THIS SUBSECTION SHALL  
24 BE:

25 (I) A SEPARATE DOCUMENT;

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

27 (III) SENT BY CERTIFIED AND FIRST-CLASS MAIL.

28 (3) THE OUTSIDE OF THE ENVELOPE CONTAINING THE WRITTEN  
29 NOTICE REQUIRED BY THIS SUBSECTION SHALL STATE, ON THE ADDRESS SIDE,  
30 IN BOLD, CAPITALIZED LETTERS IN AT LEAST 12 POINT TYPE, THE FOLLOWING:  
31 “IMPORTANT NOTICE TO ALL OCCUPANTS: EVICTION  
32 INFORMATION ENCLOSED. OPEN IMMEDIATELY.”.

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

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

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

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