

SENATE BILL 683

N1, L2

9lr2730

By: **Senator Muse**

Introduced and read first time: February 6, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Landlord and Tenant - Eviction - Tenant's Right to**
3 **Reclaim Personal Property**

4 FOR the purpose of requiring the Sheriff of Prince George's County, when directed to
5 carry out the eviction of a tenant, to notify the landlord and the tenant of the
6 scheduled date on which the warrant of restitution will be executed; requiring
7 the notice to be given in a certain manner and at a certain time; requiring the
8 sheriff to post on the door of the premises a notice containing certain
9 information; requiring the landlord to move the tenant's personal property left
10 in the premises to a public warehouse or a certain other location; requiring the
11 landlord to allow the tenant to make reasonable arrangements to obtain and
12 move the personal property during a certain period; prohibiting the personal
13 property from being left in a public right-of-way or on public property;
14 authorizing the landlord or warehouseman to sell or dispose of certain
15 abandoned property in a certain way; providing that the landlord or
16 warehouseman is responsible for certain disposal fees; specifying that the
17 landlord or warehouseman is not obligated to take certain actions to preserve
18 the tenant's personal property; authorizing the landlord to impose a
19 transportation and storage charge not exceeding a certain amount to cover
20 certain costs under certain circumstances; providing that the tenant may
21 recover certain money under certain circumstances; requiring the landlord to
22 return certain money to the tenant under certain circumstances; providing that
23 failure to pay a transportation and storage charge shall be considered a failure
24 to pay rent; altering the information required to be included in a security
25 deposit receipt; and generally relating to personal property of a tenant subject
26 to eviction in Prince George's County.

27 BY repealing and reenacting, without amendments,
28 Article - Real Property
29 Section 8-203(b)
30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2003 Replacement Volume and 2008 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Real Property
4 Section 8–203.1(a) and 8–401(d)(1)(i)
5 Annotated Code of Maryland
6 (2003 Replacement Volume and 2008 Supplement)

7 BY adding to
8 Article – Real Property
9 Section 8–406
10 Annotated Code of Maryland
11 (2003 Replacement Volume and 2008 Supplement)

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

14 **Article – Real Property**

15 8–203.

16 (b) (1) A landlord may not impose a security deposit in excess of the
17 equivalent of two months' rent per dwelling unit, regardless of the number of tenants.

18 (2) If a landlord charges more than the equivalent of two months' rent
19 per dwelling unit as a security deposit, the tenant may recover up to threefold the
20 extra amount charged, plus reasonable attorney's fees.

21 (3) An action under this section may be brought at any time during
22 the tenancy or within two years after its termination.

23 8–203.1.

24 (a) A receipt for a security deposit shall notify the tenant of the following:

25 (1) The right to have the dwelling unit inspected by the landlord in the
26 tenant's presence for the purpose of making a written list of damages that exist at the
27 commencement of the tenancy if the tenant so requests by certified mail within 15
28 days of the tenant's occupancy;

29 (2) The right to be present when the landlord inspects the premises at
30 the end of the tenancy in order to determine if any damage was done to the premises if
31 the tenant notifies the landlord by certified mail at least 15 days prior to the date of
32 the tenant's intended move, of the tenant's intention to move, the date of moving, and
33 the tenant's new address;

34 (3) The landlord's obligation to conduct the inspection within 5 days
35 before or after the tenant's stated date of intended moving;

(4) The landlord's obligation to notify the tenant in writing of the date of the inspection;

(5) The tenant's right to receive, by first class mail, delivered to the last known address of the tenant, a written list of the charges against the security deposit claimed by the landlord and the actual costs, within 45 days after the termination of the tenancy;

(6) IF THE DWELLING UNIT IS IN PRINCE GEORGE'S COUNTY, THE TENANT'S RIGHT TO RECLAIM ANY OF THE TENANT'S PERSONAL PROPERTY LEFT IN THE PREMISES WITHIN 30 DAYS AFTER THE DATE OF EXECUTION OF A WARRANT OF RESTITUTION, AND INSTRUCTIONS ON HOW THE TENANT MAY EXERCISE THAT RIGHT;

~~[(6)]~~ (7) The obligation of the landlord to return any unused portion of the security deposit, by first class mail, addressed to the tenant's last known address within 45 days after the termination of the tenancy; and

~~[(7)]~~ (8) A statement that failure of the landlord to comply with the security deposit law may result in the landlord being liable to the tenant for a penalty of up to 3 times the security deposit withheld, plus reasonable attorney's fees.

8-401.

(d) (1) (i) Subject to **§ 8-406 OF THIS SUBTITLE AND** the provisions of paragraph (2) of this subsection, if judgment is given in favor of the landlord, and the tenant fails to comply with the requirements of the order within 4 days, the court shall, at any time after the expiration of the 4 days, issue its warrant, directed to any official of the county entitled to serve process, ordering the official to cause the landlord to have again and repossess the property by putting the landlord (or the landlord's duly qualified agent or attorney for the landlord's benefit) in possession thereof, and for that purpose to remove from the property, by force if necessary, all the furniture, implements, tools, goods, effects or other chattels of every description whatsoever belonging to the tenant, or to any person claiming or holding by or under said tenant.

8-406.

(A) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

(B) WHENEVER A JUDGMENT IS ENTERED IN FAVOR OF THE LANDLORD FOR POSSESSION OF LEASED PREMISES UNDER THIS SUBTITLE, THE SHERIFF SHALL NOTIFY THE LANDLORD AND THE TENANT OF THE SCHEDULED DATE ON WHICH THE WARRANT OF RESTITUTION WILL BE EXECUTED.

(C) THE NOTICE SHALL BE:

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

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

(D) THE SHERIFF SHALL POST ON THE DOOR OF THE PREMISES A NOTICE THAT STATES:

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

(2) THAT THE TENANT HAS THE RIGHT TO RECLAIM ANY OF THE TENANT'S PERSONAL PROPERTY LEFT IN THE PREMISES WITHIN A RECLAMATION PERIOD OF 30 DAYS AFTER THE DATE THE WARRANT OF RESTITUTION WAS EXECUTED; AND

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

(E) (1) THE LANDLORD SHALL:

(I) MOVE THE TENANT'S PERSONAL PROPERTY LEFT IN THE PREMISES TO A PUBLIC WAREHOUSE OR ANOTHER RENTAL UNIT OR SECURE STORAGE AREA UNDER THE LANDLORD'S CONTROL; AND

(II) ALLOW THE TENANT TO MAKE REASONABLE ARRANGEMENTS TO OBTAIN AND MOVE THE PERSONAL PROPERTY DURING THE RECLAMATION PERIOD.

(2) THE PERSONAL PROPERTY MAY NOT BE LEFT IN A PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY.

(F) (1) IF THE TENANT DOES NOT RECLAIM THE PERSONAL PROPERTY WITHIN THE RECLAMATION PERIOD, THE LANDLORD OR WAREHOUSEMAN MAY:

(I) SELL THE PERSONAL PROPERTY; OR

(II) DISPOSE OF THE PERSONAL PROPERTY AT A PUBLIC DISPOSAL FACILITY.

1 (2) THE LANDLORD OR WAREHOUSEMAN IS RESPONSIBLE FOR
2 PAYMENT OF ANY FEES FOR DISPOSAL OF THE PERSONAL PROPERTY AT A
3 PUBLIC DISPOSAL FACILITY.

4 (3) ABANDONED PERSONAL PROPERTY MAY NOT BE DISPOSED OF
5 IN A PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY.

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

10 (H) (1) TO COVER MOVING AND STORAGE COSTS OF A TENANT'S
11 PERSONAL PROPERTY THAT IS LEFT IN THE PREMISES AFTER A WARRANT OF
12 RESTITUTION IS EXECUTED, A LANDLORD MAY IMPOSE ON THE TENANT A
13 TRANSPORTATION AND STORAGE CHARGE NOT EXCEEDING \$400.

14 (2) THE LANDLORD MAY COLLECT THE TRANSPORTATION AND
15 STORAGE CHARGE BY REQUIRING:

16 (I) A DEPOSIT OF NOT MORE THAN 5% OF 1 MONTH'S RENT,
17 TO BE PAID WITH THE SECURITY DEPOSIT; AND

18 (II) A FEE OF NOT MORE THAN 1% OF 1 MONTH'S RENT, TO
19 BE PAID EACH MONTH.

20 (3) FAILURE TO PAY THE TRANSPORTATION AND STORAGE
21 CHARGE SHALL BE CONSIDERED A FAILURE TO PAY RENT.

22 (4) IF A LANDLORD CHARGES MORE THAN THE AMOUNTS
23 SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION FOR A TRANSPORTATION
24 AND STORAGE CHARGE, THE TENANT MAY RECOVER UP TO THREE TIMES THE
25 EXTRA AMOUNT CHARGED, PLUS REASONABLE ATTORNEY'S FEES.

26 (5) THE LANDLORD SHALL RETURN ANY UNUSED PORTION OF
27 THE TRANSPORTATION AND STORAGE CHARGE, BY FIRST-CLASS MAIL,
28 ADDRESSED TO THE TENANT'S LAST KNOWN ADDRESS WITHIN 45 DAYS AFTER
29 THE TENANT'S PERSONAL PROPERTY HAS BEEN RECLAIMED, SOLD, OR
30 DISPOSED OF AT A PUBLIC DISPOSAL FACILITY.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2009.