

SENATE BILL 812

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By: **Senator Muse**

Introduced and read first time: February 6, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Eviction – Tenant’s Right to Reclaim Personal**
3 **Property**

4 FOR the purpose of requiring the sheriff or county official directed to carry out the
5 eviction of a tenant to notify the landlord and the tenant of the scheduled date
6 on which the warrant of restitution will be executed; requiring the notice to be
7 given in a certain manner and at a certain time; requiring the sheriff or county
8 official 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.

27 BY repealing and reenacting, with amendments,
28 Article – Real Property
29 Section 8–203.1(a) and 8–401(d)(1)(i)
30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2003 Replacement Volume and 2008 Supplement)

BY adding to

Article – Real Property

Section 8–406

Annotated Code of Maryland

(2003 Replacement Volume and 2008 Supplement)

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

Article – Real Property

8–203.1.

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

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

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

(3) The landlord's obligation to conduct the inspection within 5 days 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) 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

1 [(7)] (8) A statement that failure of the landlord to comply with the
2 security deposit law may result in the landlord being liable to the tenant for a penalty
3 of up to 3 times the security deposit withheld, plus reasonable attorney's fees.

4 8-401.

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

16 **8-406.**

17 (A) **WHENEVER A JUDGMENT IS ENTERED IN FAVOR OF THE LANDLORD**
18 **FOR POSSESSION OF LEASED PREMISES UNDER THIS SUBTITLE, THE SHERIFF**
19 **OR COUNTY OFFICIAL DIRECTED TO CARRY OUT THE EVICTION OF THE TENANT**
20 **SHALL NOTIFY THE LANDLORD AND THE TENANT OF THE SCHEDULED DATE ON**
21 **WHICH THE WARRANT OF RESTITUTION WILL BE EXECUTED.**

22 (B) **THE NOTICE SHALL BE:**

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

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

27 (C) **THE SHERIFF OR COUNTY OFFICIAL WHO EXECUTES A WARRANT OF**
28 **RESTITUTION SHALL POST ON THE DOOR OF THE PREMISES A NOTICE THAT**
29 **STATES:**

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

32 (2) **THAT THE TENANT HAS THE RIGHT TO RECLAIM ANY OF THE**
33 **TENANT'S PERSONAL PROPERTY LEFT IN THE PREMISES WITHIN A**

1 RECLAMATION PERIOD OF 30 DAYS AFTER THE DATE THE WARRANT OF
2 RESTITUTION WAS EXECUTED; AND

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

5 (D) (1) THE LANDLORD SHALL:

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

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

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

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

17 (I) SELL THE PERSONAL PROPERTY; OR

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

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

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

25 (F) THE LANDLORD OR WAREHOUSEMAN IS NOT OBLIGATED TO
26 INVENTORY OR TO TAKE ANY STEPS TO PRESERVE THE TENANT'S PERSONAL
27 PROPERTY BEYOND PROVIDING SECURE PHYSICAL STORAGE DURING THE
28 RECLAMATION PERIOD.

29 (G) (1) TO COVER MOVING AND STORAGE COSTS OF A TENANT'S
30 PERSONAL PROPERTY THAT IS LEFT IN THE PREMISES AFTER A WARRANT OF
31 RESTITUTION IS EXECUTED, A LANDLORD MAY IMPOSE ON THE TENANT A
32 TRANSPORTATION AND STORAGE CHARGE NOT EXCEEDING \$400.

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

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

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

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

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

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

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