

SENATE BILL 842

N1

EMERGENCY BILL

(9lr2182)

ENROLLED BILL

—*Judicial Proceedings / Environmental Matters*—

Introduced by ~~Senator Lenett~~ **Senators Lenett and Jones**

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.

President.

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
14 under certain circumstances; providing that a new or additional notice to an
15 occupant regarding a foreclosure does not need to be given under certain

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 circumstances; defining a certain term; providing for the application of this Act;
 2 making this Act an emergency measure; and generally relating to notices
 3 regarding foreclosure actions on residential property.

4 BY adding to

5 Article – Real Property

6 Section 7–105.9

7 Annotated Code of Maryland

8 (2003 Replacement Volume and 2008 Supplement)

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

11 **Article – Real Property**

12 **7–105.9.**

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

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

22 **“IMPORTANT NOTICE**

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

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

32 BELOW YOU WILL FIND THE NAME, ADDRESS, AND TELEPHONE NUMBER
 33 OF THE PERSON AUTHORIZED TO SELL THE PROPERTY. YOU MAY CONTACT THIS
 34 PERSON TO FIND OUT MORE ABOUT THE SALE. FOR FURTHER INFORMATION,
 35 YOU MAY REVIEW THE FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT

1 COURT. YOU ALSO MAY CONTACT THE MARYLAND DEPARTMENT OF HOUSING
2 AND COMMUNITY DEVELOPMENT, AT ~~1-877-462-7555~~ (INSERT TELEPHONE
3 NUMBER), OR CONSULT THE DEPARTMENT'S WEBSITE,
4 ~~HTTP://WWW.MDHOPE.ORG/~~ (INSERT WEBSITE ADDRESS), FOR ASSISTANCE.

5 PERSON AUTHORIZED TO SELL THE PROPERTY:

6 _____

7 NAME

8 _____

9 ADDRESS

10 _____

11 TELEPHONE

12 _____

13 DATE OF THIS NOTICE”.

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

16 (I) A SEPARATE DOCUMENT;

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

18 (III) SENT BY FIRST-CLASS MAIL ~~WITH CERTIFICATE OF~~
19 ~~MAILING.~~

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

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

32 “NOTICE OF IMPENDING FORECLOSURE SALE

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

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

7 **DATE:** _____

8 **TIME:** _____

9 **PLACE:**_____

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

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

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

22 _____

23 **NAME**

24 _____

25 **ADDRESS**

26 _____

27 **TELEPHONE**

28 _____

29 **DATE OF THIS NOTICE”.**

30 **(2) THE WRITTEN NOTICE REQUIRED BY THIS SUBSECTION SHALL**
31 **BE:**

- 1 (I) A SEPARATE DOCUMENT;
- 2 (II) PRINTED IN AT LEAST 12 POINT TYPE; AND
- 3 (III) SENT BY ~~CERTIFIED AND~~ FIRST-CLASS MAIL WITH
4 CERTIFICATE OF MAILING.

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

10 (D) (1) IN ADDITION TO ANY OTHER NOTICE REQUIRED TO BE GIVEN
11 BY THIS CODE OR THE MARYLAND RULES, THE PERSON ~~AUTHORIZED TO MAKE~~
12 ~~A SALE IN AN ACTION TO FORECLOSE A MORTGAGE OR DEED OF TRUST ON~~
13 ~~RESIDENTIAL PROPERTY~~ WHO PURCHASES RESIDENTIAL PROPERTY IN A
14 FORECLOSURE SALE SHALL SEND, AFTER THE ENTRY OF A JUDGMENT
15 AWARDING POSSESSION AND BEFORE ANY ATTEMPT TO EXECUTE THE WRIT OF
16 POSSESSION, A WRITTEN NOTICE ADDRESS ADDRESSED TO “ALL OCCUPANTS”
17 AT THE ADDRESS OF THE RESIDENTIAL PROPERTY IN SUBSTANTIALLY THE
18 FOLLOWING FORM:

19 “IMPORTANT EVICTION NOTICE

20 THE CIRCUIT COURT FOR (INSET NAME OF COUNTY) HAS ENTERED A
21 JUDGMENT AWARDING POSSESSION OF THE PROPERTY LOCATED AT (INSET
22 ADDRESS). YOU COULD BE EVICTED FROM THE PROPERTY ON ANY
23 DAY AFTER (INSERT DATE).

24 BELOW YOU WILL FIND THE NAME, ADDRESS, AND TELEPHONE NUMBER
25 OF THE PERSON ~~AUTHORIZED TO SELL~~ WHO PURCHASED THE PROPERTY OR
26 THE PURCHASER’S AGENT. YOU MAY CONTACT THIS PERSON TO FIND OUT MORE
27 ABOUT THE COURT ORDER. FOR FURTHER INFORMATION, YOU MAY REVIEW THE
28 FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT. YOU MAY WANT TO
29 CONSULT AN ATTORNEY TO DETERMINE YOUR RIGHTS. YOU ALSO MAY CONTACT
30 THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT,
31 AT ~~1-877-462-7555~~ (INSERT TELEPHONE NUMBER), OR CONSULT THE
32 DEPARTMENT’S WEBSITE, ~~HTTP://WWW.MDHOPE.ORG/~~ (INSERT WEBSITE
33 ADDRESS), FOR ASSISTANCE.

34 ~~PERSON AUTHORIZED TO SELL THE PROPERTY:~~ PURCHASER OF THE PROPERTY
35 OR PURCHASER’S AGENT:

1 _____
 2 **NAME**
 3 _____
 4 **ADDRESS**
 5 _____
 6 **TELEPHONE**
 7 _____
 8 **DATE OF THIS NOTICE”.**

9 (2) **THE WRITTEN NOTICE REQUIRED BY THIS SUBSECTION SHALL**
 10 **BE:**

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

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

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

15 (3) **THE OUTSIDE OF THE ENVELOPE CONTAINING THE WRITTEN**
 16 **NOTICE REQUIRED BY THIS SUBSECTION SHALL STATE, ON THE ADDRESS SIDE,**
 17 **IN BOLD, CAPITALIZED LETTERS IN AT LEAST 12 POINT TYPE, THE FOLLOWING:**

18 **“IMPORTANT NOTICE TO ALL OCCUPANTS: EVICTION**
 19 **INFORMATION ENCLOSED. OPEN IMMEDIATELY.”.**

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

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

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

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
 31 measure, is necessary for the immediate preservation of the public health or safety,

1 has been passed by a yea and nay vote supported by three-fifths of all the members
2 elected to each of the two Houses of the General Assembly, and shall take effect from
3 the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.