

# SENATE BILL 978

N1

11r3078

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By: **Senator Muse**

Constitutional Requirements Complied with for Introduction in the last 35 Days of  
Session

Introduced and read first time: March 9, 2011

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Landlord and Tenant – Reclaiming Property After**  
3 **Repossession**

4 FOR the purpose of authorizing a landlord in Prince George's County to repossess  
5 certain premises under certain circumstances and after a certain period of time;  
6 establishing that the tenant has the right to reclaim any personal property left  
7 in the premises within a certain time period after the repossession; authorizing  
8 the landlord to secure the tenant's personal property in a certain manner;  
9 requiring the landlord to allow the tenant to make reasonable arrangements to  
10 obtain and move the personal property; prohibiting the landlord from  
11 demanding a certain fee or imposing certain conditions; requiring the tenant to  
12 pay certain moving and storage fees under certain circumstances; providing for  
13 the disposal of the tenant's personal property under certain circumstances;  
14 establishing that certain persons are not obligated to take certain actions; and  
15 generally relating to the disposition of the tenant's personal property after a  
16 landlord's repossession in Prince George's County.

17 BY adding to

18 Article – Real Property

19 Section 8–406

20 Annotated Code of Maryland

21 (2010 Replacement Volume and 2010 Supplement)

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

24 **Article – Real Property**

25 **8–406.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2           **(B) IN AN ACTION FOR POSSESSION, IF JUDGMENT IS GIVEN IN FAVOR**  
3 **OF THE LANDLORD AND THE TENANT FAILS TO COMPLY WITH THE**  
4 **REQUIREMENTS OF THE ORDER WITHIN 4 DAYS, THE LANDLORD MAY, AT ANY**  
5 **TIME AFTER THE EXPIRATION OF THE 4 DAYS, REPOSSESS THE PREMISES.**

6           **(C) IF A LANDLORD REPOSSESSES RENTAL PREMISES UNDER**  
7 **SUBSECTION (B) OF THIS SECTION, THE TENANT HAS THE RIGHT TO RECLAIM**  
8 **ANY PERSONAL PROPERTY LEFT IN THE PREMISES WITHIN 3 FULL DAYS AFTER**  
9 **THE DATE OF THE REPOSSESSION.**

10           **(D) DURING THE PERIOD OF THE TENANT'S RIGHT TO RECLAIM**  
11 **PERSONAL PROPERTY, THE LANDLORD MAY:**

12                   **(1) LEAVE THE TENANT'S PERSONAL PROPERTY IN THE**  
13 **PREMISES AFTER CHANGING THE LOCKS AND SECURING THE PREMISES;**

14                   **(2) MOVE THE TENANT'S PERSONAL PROPERTY TO A SECURE**  
15 **STORAGE AREA UNDER THE LANDLORD'S CONTROL WITHIN A REASONABLE**  
16 **DISTANCE OF THE PREMISES; OR**

17                   **(3) MOVE THE TENANT'S PERSONAL PROPERTY TO A PUBLIC**  
18 **WAREHOUSE.**

19           **(E) THE LANDLORD SHALL ALLOW THE TENANT TO MAKE REASONABLE**  
20 **ARRANGEMENTS TO OBTAIN AND MOVE THE PERSONAL PROPERTY DURING THE**  
21 **RECLAMATION PERIOD.**

22           **(F) THE LANDLORD MAY NOT DEMAND A FEE OR IMPOSE OTHER**  
23 **CONDITIONS ON THE TENANT'S RIGHT TO RECLAIM THE PERSONAL PROPERTY.**

24           **(G) IF THE PERSONAL PROPERTY IS MOVED TO A PUBLIC WAREHOUSE,**  
25 **THE TENANT SHALL PAY THE MOVING AND STORAGE FEES TO THE**  
26 **WAREHOUSEMAN TO OBTAIN THE PERSONAL PROPERTY.**

27           **(H) (1) IF THE TENANT DOES NOT RECLAIM THE PERSONAL**  
28 **PROPERTY WITHIN THE RECLAMATION PERIOD, THE PROPERTY IS CONSIDERED**  
29 **TO BE ABANDONED.**

30                   **(2) THE LANDLORD OR WAREHOUSEMAN MAY DISPOSE OF THE**  
31 **PERSONAL PROPERTY AT A PUBLIC DISPOSAL FACILITY AND SHALL PAY ANY**  
32 **FEES FOR THE DISPOSAL.**

1                   **(3) THE PERSONAL PROPERTY MAY NOT BE DISPOSED OF IN THE**  
2 **PUBLIC RIGHT-OF-WAY OR ON ANY PUBLIC PROPERTY.**

3                   **(1) THE LANDLORD OR WAREHOUSEMAN IS NOT OBLIGATED TO**  
4 **INVENTORY OR TO TAKE ANY STEPS TO PRESERVE THE TENANT'S PERSONAL**  
5 **PROPERTY BEYOND PROVIDING SECURE PHYSICAL STORAGE DURING THE**  
6 **RECLAMATION PERIOD.**

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2011.