

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 978 (Senator Muse)
Judicial Proceedings

**Prince George's County - Landlord and Tenant - Reclaiming Property After
Repossession**

This bill authorizes a landlord who prevails in an action for possession of a property in Prince George's County to repossess the premises after four days if the tenant fails to comply with the requirements of the order within the four days. A tenant has the right to reclaim any personal property left in the premises within three full days after the date of the repossession.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing resources. Revenues are not affected.

Local Effect: Prince George's county advises that the bill has no material effect on county finances.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: During the period of the tenant's right to reclaim personal property, the landlord may:

- leave the tenant's personal property in the premises after changing the locks and securing the premises;

- move the tenant’s personal property to a secure storage area under the landlord’s control within a reasonable distance of the premises; or
- move the tenant’s personal property to a public warehouse.

The landlord must allow the tenant to make reasonable arrangements to obtain and move the personal property during the three-day reclamation period and may not charge a fee or impose any other conditions on the tenant’s right to reclaim the property.

If the personal property is moved to a public warehouse, the tenant must pay the moving and storage fees to the warehouseman to obtain the personal property. The personal property is considered abandoned if the tenant does not reclaim the personal property within the reclamation period. The landlord or warehouseman may dispose of the personal property at a public disposal facility but may not dispose of the property in a public right-of-way or on any public property. The landlord or warehouseman must pay any fees for the disposal.

The landlord or warehouseman is not obligated to inventory or take any steps to preserve the tenant’s personal property beyond providing secure physical storage during the reclamation period.

Current Law: When a tenant fails to pay rent, the landlord is entitled to repossession of the premises through filing an action in District Court. If the court finds in favor of the landlord, the court must order that possession of the premises be given to the landlord within four days after trial (judgment for possession). If the judgment is in favor of the landlord and the tenant fails to pay the past due rent and late fees within specified timeframes, the landlord may apply for a “warrant of restitution,” which serves as the eviction order. The sheriff’s offices in Baltimore City and the counties are responsible for evictions.

In the event of an eviction, the party executing the warrant may remove all property from the premises and place it on the public right-of-way while the sheriff or county official supervises. Neither a landlord nor the person executing the eviction warrant is required to retain possession of the tenant’s personal property, unless the leased dwelling is located in Baltimore City.

Baltimore City Code dictates that a landlord must dispose of any abandoned eviction chattels by transporting them to a licensed landfill or solid waste facility, donating them to charity, or some other legal means. Under no circumstances may a landlord place eviction chattels, abandoned or otherwise, on a public right-of-way. “Eviction chattel” is defined as any property removed from a leased dwelling under a warrant of restitution.

Background: Although statistics regarding the number of judgments of possession are not kept, the District Court does advise that 229,118 warrants of restitution were processed in fiscal 2010.

State Effect: The District Court has exclusive jurisdiction over landlord-tenant affairs. It advises that both the “Failure to Pay Rent” and “Warrant of Restitution” forms will need to be revised to include notice regarding tenant’s new rights in Prince George’s County. However, the reprinting can be handled with existing budgeted resources as any existing forms can be used in other counties and reprinting would occur any way when existing stock is exhausted or other changes need to be reflected.

Small Business Effect: Currently, landlords of property in Prince George’s County have no duty to retain possession of the tenant’s personal property after an eviction. Landlords may experience additional expenses under this bill because a landlord will likely be required to pay for any costs associated with moving, storing, or disposing the tenant’s personal property if the tenant does not reclaim the property.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George’s County, Office of the Attorney General (Consumer Protection Division), Judiciary (Administrative Office of the Courts), Department of Legislative Services

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ncs/kdm

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