

HOUSE BILL 1342

N1

2lr3002

By: **Delegate Weir**

Introduced and read first time: February 16, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Storage of Personal Property After Eviction**

3 FOR the purpose of requiring a certain purchaser in a foreclosure sale executing a
4 judgment awarding possession of residential property and a landlord executing
5 a warrant of restitution of a residential property to store personal property
6 remaining on the residential property for a certain period of time in a certain
7 manner; providing that the purchaser and landlord are liable for certain
8 damage or loss during the storage period; requiring the purchaser and landlord
9 to prepare a certain inventory at a certain time that includes certain
10 information; requiring the inventory to be signed and dated in the presence of a
11 certain deputy sheriff or other law enforcement officer; requiring the purchaser
12 and landlord to send a copy of the inventory in a certain manner to the former
13 occupant or tenant; requiring a certain deputy sheriff or other law enforcement
14 officer to retain a copy of the inventory in certain records; establishing that the
15 purchaser and landlord have a certain lien on the personal property for certain
16 reasonable costs; authorizing a former occupant or tenant to retrieve the
17 personal property under certain circumstances; requiring the purchaser and
18 landlord to allow a tenant to access the personal property within a certain
19 period of time under certain circumstances; requiring a purchaser and landlord
20 to allow the former occupant or tenant one-time access to the personal property
21 for certain purposes; authorizing the one-time access to be supervised; and
22 generally relating to the storage of personal property after an eviction.

23 BY adding to

24 Article – Real Property

25 Section 7–105.11 and 8–406

26 Annotated Code of Maryland

27 (2010 Replacement Volume and 2011 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Real Property

2 7-105.11.

3 (A) IN THIS SECTION, “RESIDENTIAL PROPERTY” MEANS REAL
4 PROPERTY IMPROVED BY FOUR OR FEWER SINGLE FAMILY DWELLING UNITS
5 THAT ARE DESIGNED PRINCIPALLY AND ARE INTENDED FOR HUMAN
6 HABITATION.

7 (B) (1) AT THE TIME A PURCHASER EXECUTES A JUDGMENT
8 AWARDING POSSESSION OF RESIDENTIAL PROPERTY, THE PURCHASER SHALL
9 STORE ANY PERSONAL PROPERTY REMAINING ON THE RESIDENTIAL PROPERTY
10 AT THE TIME OF THE EXECUTION FOR AT LEAST 30 DAYS.

11 (2) THE PURCHASER MAY STORE THE PERSONAL PROPERTY:

12 (I) SECURELY ON THE PROPERTY; OR

13 (II) IN A PUBLIC WAREHOUSE OR STORAGE FACILITY.

14 (3) THE PURCHASER IS LIABLE TO THE PREVIOUS OCCUPANT FOR
15 ANY DAMAGE TO OR LOSS OF THE PERSONAL PROPERTY DURING THE 30-DAY
16 STORAGE PERIOD.

17 (C) (1) AT THE TIME A PURCHASER EXECUTES A JUDGMENT
18 AWARDING POSSESSION, THE PURCHASER OR THE PURCHASER’S AGENT SHALL
19 PREPARE AN INVENTORY THAT INCLUDES:

20 (I) A LISTING OF ALL ITEMS OF PERSONAL PROPERTY
21 LOCATED ON THE RESIDENTIAL PROPERTY AND A DESCRIPTION OF THE
22 CONDITION OF EACH ITEM;

23 (II) THE NAME AND BADGE NUMBER OF THE DEPUTY
24 SHERIFF OR OTHER LAW ENFORCEMENT OFFICER PRESENT TO EXECUTE THE
25 JUDGMENT;

26 (III) THE LOCATION AT WHICH THE PERSONAL PROPERTY IS
27 BEING STORED;

28 (IV) THE DATE ON WHICH THE PERSONAL PROPERTY WAS
29 STORED;

1 **(V) THE NAME, TELEPHONE NUMBER, AND SIGNATURE OF**
2 **THE PERSON AUTHORIZED TO RELEASE THE PERSONAL PROPERTY; AND**

3 **(VI) INSTRUCTIONS ON HOW TO RETRIEVE THE PERSONAL**
4 **PROPERTY.**

5 **(2) THE INVENTORY PREPARED UNDER PARAGRAPH (1) OF THIS**
6 **SUBSECTION SHALL BE SIGNED AND DATED IN THE PRESENCE OF THE DEPUTY**
7 **SHERIFF OR OTHER LAW ENFORCEMENT OFFICER PRESENT TO EXECUTE THE**
8 **JUDGMENT.**

9 **(3) THE PURCHASER SHALL SEND BY FIRST-CLASS MAIL A COPY**
10 **OF THE INVENTORY PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO**
11 **THE PREVIOUS OCCUPANT OF THE RESIDENTIAL PROPERTY.**

12 **(4) THE DEPUTY SHERIFF OR OTHER LAW ENFORCEMENT**
13 **OFFICER PRESENT TO EXECUTE THE JUDGMENT SHALL RETAIN A COPY OF THE**
14 **INVENTORY PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE**
15 **DEPUTY SHERIFF'S OR OFFICER'S RECORDS.**

16 **(D) THE PURCHASER HAS A LIEN UNDER THIS SECTION ON PERSONAL**
17 **PROPERTY LEFT ON THE PREMISES FOR THE REASONABLE COSTS OF MOVING,**
18 **TRANSPORTING, AND STORING THE PERSONAL PROPERTY.**

19 **(E) A FORMER OCCUPANT MAY RETRIEVE PERSONAL PROPERTY**
20 **STORED UNDER THIS SECTION IF:**

21 **(1) THE FORMER OCCUPANT GIVES NOTICE IN WRITING TO THE**
22 **PURCHASER THAT THE OCCUPANT WISHES TO RETRIEVE THE PROPERTY; AND**

23 **(2) THE FORMER OCCUPANT PAYS THE REASONABLE COSTS OF**
24 **MOVING, TRANSPORTING, AND STORING THE PERSONAL PROPERTY INCURRED**
25 **BY THE PURCHASER.**

26 **(F) WITHIN 10 DAYS AFTER RECEIVING WRITTEN NOTICE FROM A**
27 **FORMER OCCUPANT UNDER SUBSECTION (E) OF THIS SECTION, THE**
28 **PURCHASER SHALL ALLOW THE FORMER OCCUPANT TO RETRIEVE PERSONAL**
29 **PROPERTY STORED UNDER THIS SECTION.**

30 **(G) (1) ON REQUEST FROM THE FORMER OCCUPANT, A PURCHASER**
31 **SHALL ALLOW THE FORMER OCCUPANT ONE-TIME ACCESS TO PERSONAL**
32 **PROPERTY STORED UNDER THIS SECTION TO REMOVE ITEMS OF PERSONAL OR**
33 **SENTIMENTAL VALUE AT NO CHARGE.**

1 **(2) ACCESS PROVIDED UNDER PARAGRAPH (1) OF THIS**
2 **SUBSECTION MAY BE SUPERVISED BY THE PURCHASER OR A REPRESENTATIVE**
3 **OF THE PURCHASER.**

4 **8-406.**

5 **(A) (1) AT THE TIME A LANDLORD EXECUTES A WARRANT OF**
6 **RESTITUTION OF A RESIDENTIAL PROPERTY UNDER § 8-401, § 8-402, OR §**
7 **8-402.1 OF THIS SUBTITLE, THE LANDLORD SHALL STORE ANY PERSONAL**
8 **PROPERTY REMAINING ON THE RESIDENTIAL PROPERTY AT THE TIME OF THE**
9 **EXECUTION FOR AT LEAST 30 DAYS.**

10 **(2) THE LANDLORD MAY STORE THE PERSONAL PROPERTY:**

11 **(I) SECURELY ON THE PROPERTY; OR**

12 **(II) IN A PUBLIC WAREHOUSE OR STORAGE FACILITY.**

13 **(3) THE LANDLORD IS LIABLE TO THE TENANT FOR ANY DAMAGE**
14 **TO OR LOSS OF THE PERSONAL PROPERTY DURING THE 30-DAY STORAGE**
15 **PERIOD.**

16 **(B) (1) AT THE TIME A LANDLORD EXECUTES A WARRANT OF**
17 **RESTITUTION, THE LANDLORD OR THE LANDLORD'S AGENT SHALL PREPARE AN**
18 **INVENTORY THAT INCLUDES:**

19 **(I) A LISTING OF ALL ITEMS OF PERSONAL PROPERTY**
20 **LOCATED ON THE RESIDENTIAL PROPERTY AND A DESCRIPTION OF THE**
21 **CONDITION OF EACH ITEM;**

22 **(II) THE NAME AND BADGE NUMBER OF THE DEPUTY**
23 **SHERIFF OR OTHER LAW ENFORCEMENT OFFICER PRESENT TO EXECUTE THE**
24 **JUDGMENT;**

25 **(III) THE LOCATION AT WHICH THE PERSONAL PROPERTY IS**
26 **BEING STORED;**

27 **(IV) THE DATE ON WHICH THE PERSONAL PROPERTY WAS**
28 **STORED;**

29 **(V) THE NAME, TELEPHONE NUMBER, AND SIGNATURE OF**
30 **THE PERSON AUTHORIZED TO RELEASE THE PERSONAL PROPERTY; AND**

1 **(VI) INSTRUCTIONS ON HOW TO RETRIEVE THE PERSONAL**
2 **PROPERTY.**

3 **(2) THE INVENTORY PREPARED UNDER PARAGRAPH (1) OF THIS**
4 **SUBSECTION SHALL BE SIGNED AND DATED IN THE PRESENCE OF THE DEPUTY**
5 **SHERIFF OR OTHER LAW ENFORCEMENT OFFICER PRESENT TO EXECUTE THE**
6 **WARRANT.**

7 **(3) THE LANDLORD SHALL SEND BY FIRST-CLASS MAIL A COPY**
8 **OF THE INVENTORY PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO**
9 **THE TENANT OF THE RESIDENTIAL PROPERTY.**

10 **(4) THE DEPUTY SHERIFF OR OTHER LAW ENFORCEMENT**
11 **OFFICER PRESENT TO EXECUTE THE JUDGMENT SHALL RETAIN A COPY OF THE**
12 **INVENTORY PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE**
13 **DEPUTY SHERIFF'S OR OFFICER'S RECORDS.**

14 **(C) THE LANDLORD HAS A LIEN UNDER THIS SECTION ON PERSONAL**
15 **PROPERTY LEFT ON THE PREMISES FOR THE REASONABLE COSTS OF MOVING,**
16 **TRANSPORTING, AND STORING THE PERSONAL PROPERTY.**

17 **(D) A TENANT MAY RETRIEVE PERSONAL PROPERTY STORED UNDER**
18 **THIS SECTION IF:**

19 **(1) THE TENANT GIVES NOTICE IN WRITING TO THE LANDLORD**
20 **THAT THE TENANT WISHES TO RETRIEVE THE PROPERTY; AND**

21 **(2) THE TENANT PAYS THE REASONABLE COSTS OF MOVING,**
22 **TRANSPORTING, AND STORING THE PERSONAL PROPERTY INCURRED BY THE**
23 **PURCHASER.**

24 **(E) WITHIN 10 DAYS AFTER RECEIVING WRITTEN NOTICE FROM A**
25 **TENANT UNDER SUBSECTION (D) OF THIS SECTION, THE LANDLORD SHALL**
26 **ALLOW THE TENANT TO RETRIEVE PERSONAL PROPERTY STORED UNDER THIS**
27 **SECTION.**

28 **(F) (1) ON REQUEST FROM THE TENANT, A LANDLORD SHALL ALLOW**
29 **THE TENANT ONE-TIME ACCESS TO PERSONAL PROPERTY STORED UNDER THIS**
30 **SECTION TO REMOVE ITEMS OF PERSONAL OR SENTIMENTAL VALUE AT NO**
31 **CHARGE.**

1 **(2) ACCESS PROVIDED UNDER PARAGRAPH (1) OF THIS**
2 **SUBSECTION MAY BE SUPERVISED BY THE LANDLORD OR A REPRESENTATIVE**
3 **OF THE LANDLORD.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2012.