

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

House Bill 934 (Delegate Frush)  
Environmental Matters

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**Residential Real Property - Landlord and Tenant - Procedures for Conducting Eviction**

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This bill requires a sheriff, constable, or any other law enforcement officer to be present when a tenant, after a warrant of repossession is issued, delivers possession of the property to a landlord if the instructions accompanying the warrant require the sheriff to either remove personal property from the premises or exclude others from access to or use of the premises. Thus, the bill authorizes law enforcement officers other than a sheriff to be present when a tenant delivers possession of the property to the landlord.

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**Fiscal Summary**

**State Effect:** The bill’s requirements can likely be absorbed within existing budgeted resources. No impact on revenue.

**Local Effect:** The bill’s requirements can likely be absorbed within existing budgeted resources. No impact on revenue.

**Small Business Effect:** Minimal.

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**Analysis**

**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.

A landlord of a property in which a tenant is "holding over" (the retention of possession of a leased premise past the expressed lease term) or has broken a specified lease may also file a complaint with the District Court for repossession, though the process is different than in cases where a tenant has failed to pay rent.

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 any other county official entitled to serve process, 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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Anne Arundel, Charles, Frederick, Montgomery, and Somerset counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2012  
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