

SENATE BILL 442

N1
SB 992/24 – JPR

5lr3394
CF HB 767

By: **Senator Sydnor**

Introduced and read first time: January 21, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2025

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Landlord and Tenant – Procedures for Failure to Pay Rent,**
3 **Breach of Lease, and Tenant Holding Over**
4 **~~(Tenant Possessions Recovery Act)~~**

5 FOR the purpose of requiring a landlord to provide certain notice to a tenant when a court
6 has issued a warrant of restitution for a failure of a tenant to pay rent, a breach of
7 lease, or a tenant holding over under certain circumstances; establishing certain
8 procedures and requirements for the execution of a warrant for repossession;
9 ~~providing for the disposition of certain personal property following the execution of~~
10 ~~a warrant of restitution;~~ establishing that this Act does not restrict the authority of
11 the State or a local jurisdiction to enact certain legislation; and generally relating to
12 repossession for failure to pay rent, breach of lease, and tenant holdovers.

13 BY repealing and reenacting, with amendments,
14 Article – Real Property
15 Section 8–401(f), (g), and (h), 8–402(b), and 8–402.1
16 Annotated Code of Maryland
17 (2023 Replacement Volume and 2024 Supplement)

18 BY adding to
19 Article – Real Property
20 Section 8–401(g) and 8–407
21 Annotated Code of Maryland
22 (2023 Replacement Volume and 2024 Supplement)

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.



Preamble

WHEREAS, Failing to provide a tenant with reasonable notice ~~and an opportunity to reclaim their personal belongings after~~ of an eviction is inconsistent with human dignity and human rights and creates an increased potential for violent confrontations on eviction; ~~and~~

~~WHEREAS, Landlords should not be burdened with removing a tenant's personal belongings and placing them into public view immediately on eviction of the tenant; and~~

~~WHEREAS, Neighborhoods benefit from having a tenant's personal belongings safely stored rather than becoming a source of blight in the community;~~ now, therefore,

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

Article – Real Property

8–401.

(f) (1) (i) [Subject] **EXCEPT AS PROVIDED IN § 8–407 OF THIS SUBTITLE AND SUBJECT** to the provisions of paragraph (2) of this subsection, if judgment is given in favor of the landlord, and the tenant fails to comply with the requirements of the order within 7 days, the court shall, at any time after the expiration of the 7 days, issue its warrant, directed to any official of the county entitled to serve process, ordering the official to cause the landlord to have again and repossess the property by putting the landlord, or the landlord's duly qualified agent or attorney, in possession of the property, and for that purpose to remove from the property, by force if necessary, all the furniture, implements, tools, goods, effects or other chattels of every description whatsoever belonging to the tenant, or to any person claiming or holding by or under the tenant.

(ii) If the landlord does not order a warrant of restitution within 60 days from the later of the date of judgment or the expiration date of any stay of execution:

1. The judgment for possession shall be stricken; and

2. The judgment shall be applied to the number of judgments necessary to foreclose a tenant's right to redemption of the leased premises as established in subsection [(g)(2)] **(H)(2)** of this section unless the court in its discretion determines that the judgment may not apply for purposes of subsection [(g)(2)] **(H)(2)** of this section.

(iii) If the landlord orders a warrant of restitution but takes no action on the warrant within 60 days from the later of the date the court issues the order for the warrant or the date as otherwise extended by the court:

1 1. The warrant of restitution shall expire and the judgment
2 for possession shall be stricken; and

3 2. The judgment shall be applied to the number of judgments
4 necessary to foreclose a tenant's right to redemption of the leased premises as established
5 in subsection [(g)(2)] **(H)(2)** of this section unless the court in its discretion determines that
6 the judgment may not apply for purposes of subsection [(g)(2)] **(H)(2)** of this section.

7 (2) (i) The administrative judge of any district shall stay the execution
8 of a warrant of restitution of a residential property, from day to day, in the event of extreme
9 weather conditions affecting the residential property, including:

10 1. A temperature or next-day forecasted temperature of 32
11 degrees Fahrenheit or lower;

12 2. A winter storm warning or blizzard warning issued by the
13 National Weather Service;

14 3. A hurricane warning or tropical storm warning issued by
15 the National Weather Service; and

16 4. An excessive heat warning issued by the National
17 Weather Service.

18 (ii) When a stay has been granted under this paragraph, the
19 execution of the warrant of restitution for which the stay has been granted shall be given
20 priority and completed within 5 days after the extreme weather conditions cease.

21 **(G) A WARRANT OF RESTITUTION ISSUED UNDER THIS SECTION SHALL BE**
22 **EXECUTED IN COMPLIANCE WITH THE PROVISIONS OF § 8-407 OF THIS SUBTITLE.**

23 **[(g)] (H)** (1) Subject to paragraph (3) of this subsection, in any action of
24 summary ejection for failure to pay rent where the landlord is awarded a judgment giving
25 the landlord restitution of the leased premises, the tenant shall have the right to
26 redemption of the leased premises by tendering in cash, certified check, or money order to
27 the landlord or the landlord's agent all past due amounts, as determined by the court under
28 subsection (e) of this section, plus all court awarded costs and fees, at any time before actual
29 execution of the eviction order.

30 (2) An electronic or written check issued by a political subdivision or on
31 behalf of a governmental entity shall have the same legal effect as a payment made by the
32 tenant under paragraph (1) of this subsection.

33 (3) This subsection does not apply to any tenant against whom three
34 judgments of possession have been entered for rent due and unpaid in the 12 months prior
35 to the initiation of the action to which this subsection otherwise would apply.

1 **[(h)] (I)** (1) The tenant or the landlord may appeal from the judgment of the
2 District Court to the circuit court for any county at any time within 4 days from the
3 rendition of the judgment.

4 (2) The tenant, in order to stay any execution of the judgment, shall give a
5 bond to the landlord with one or more sureties, who are owners of sufficient property in the
6 State of Maryland, with condition to prosecute the appeal with effect, and answer to the
7 landlord in all costs and damages mentioned in the judgment, and other damages as shall
8 be incurred and sustained by reason of the appeal.

9 (3) The bond shall not affect in any manner the right of the landlord to
10 proceed against the tenant, assignee or subtenant for any and all rents that may become
11 due and payable to the landlord after the rendition of the judgment.

12 8–402.

13 (b) (1) (i) Subject to § 8–406 of this subtitle and where any tenancy is for
14 any definite term or at will, and the landlord shall desire to repossess the property after
15 the expiration of the term for which it was leased and shall give notice as required under
16 subsection (c) of this section to the tenant or to the person actually in possession of the
17 property to remove from the property at the end of the term, and if the tenant or person in
18 actual possession shall refuse to comply, the landlord may make complaint in writing to
19 the District Court of the county where the property is located.

20 (ii) 1. The court shall issue a summons directed to any constable
21 or sheriff of the county entitled to serve process, ordering the constable or sheriff to notify
22 the tenant, assignee, or subtenant to appear on a day stated in the summons before the
23 court to show cause why restitution should not be made to the landlord.

24 2. The constable or sheriff shall serve the summons on the
25 tenant, assignee, or subtenant on the property, or on the known or authorized agent of the
26 tenant, assignee, or subtenant.

27 3. If, for any reason those persons cannot be found, the
28 constable or sheriff shall affix an attested copy of the summons conspicuously on the
29 property.

30 4. After notice to the tenant, assignee, or subtenant by
31 first-class mail, the affixing of the summons on the property shall be conclusively presumed
32 to be a sufficient service to support restitution.

33 (iii) **[Upon] ON** the failure of either of the parties to appear before
34 the court on the day stated in the summons, the court may continue the case to a day not
35 less than 6 **[nor] DAYS OR** more than 10 days after the day first stated and notify the
36 parties of the continuance.

1 (2) (i) If [upon] ON hearing the parties, or in case the tenant or person
2 in possession shall neglect to appear after the summons and continuance the court shall
3 find that the landlord had been in possession of the leased property, that the said tenancy
4 is fully ended and expired, that due notice to quit as aforesaid had been given to the tenant
5 or person in possession and that the tenant or person in possession had refused so to do,
6 the court shall [thereupon] give judgment for the restitution of the possession of said
7 premises and shall forthwith issue its warrant to the sheriff or a constable in the respective
8 counties commanding the tenant or person in possession forthwith to deliver to the landlord
9 possession thereof in as full and ample manner as the landlord was possessed of the same
10 at the time when the tenancy was made, and shall give judgment for costs against the
11 tenant or person in possession so holding over.

12 (ii) Either party shall have the right to appeal therefrom to the
13 circuit court for the county within 10 days from the judgment.

14 (iii) If the tenant appeals and files with the District Court an affidavit
15 that the appeal is not taken for delay, and also a good and sufficient bond with one or more
16 securities conditioned that the tenant will prosecute the appeal with effect and well and
17 truly pay all rent in arrears and all costs in the case before the District Court and in the
18 appellate court and all loss or damage which the landlord may suffer by reason of the
19 tenant's holding over, including the value of the premises during the time the tenant shall
20 so hold over, then the tenant or person in possession of said premises may retain possession
21 thereof until the determination of said appeal.

22 (iv) The appellate court shall, [upon] ON application of either party,
23 set a day for the hearing of the appeal, not less than 5 [nor] DAYS OR more than 15 days
24 after the application, and notice for the order for a hearing shall be served on the opposite
25 party or that party's counsel at least 5 days before the hearing.

26 (v) If the judgment of the District Court shall be in favor of the
27 landlord, a warrant shall be issued by the appellate court to the sheriff, who shall proceed
28 forthwith to execute the warrant.

29 **(3) A WARRANT OF RESTITUTION UNDER PARAGRAPH (2)(I) OF THIS**
30 **SUBSECTION SHALL BE EXECUTED IN COMPLIANCE WITH THE PROVISIONS OF §**
31 **8-407 OF THIS SUBTITLE.**

32 8-402.1.

33 (a) (1) (i) Subject to § 8-406 of this subtitle and where an unexpired lease
34 for a stated term provides that the landlord may repossess the premises prior to the
35 expiration of the stated term if the tenant breaches the lease, the landlord may make
36 complaint in writing to the District Court of the county where the premises is located if:

37 1. The tenant breaches the lease;

1 2. A. The landlord has given the tenant 30 days' written
2 notice that the tenant is in violation of the lease and the landlord desires to repossess the
3 leased premises; or

4 B. The breach of the lease involves behavior by a tenant or a
5 person who is on the property with the tenant's consent, which demonstrates a clear and
6 imminent danger of the tenant or person doing serious harm to themselves, other tenants,
7 the landlord, the landlord's property or representatives, or any other person on the property
8 and the landlord has given the tenant or person in possession 14 days' written notice that
9 the tenant or person in possession is in violation of the lease and the landlord desires to
10 repossess the leased premises; and

11 3. The tenant or person in actual possession of the premises
12 refuses to comply.

13 (ii) The court shall summons immediately the tenant or person in
14 possession to appear before the court on a day stated in the summons to show cause, if any,
15 why restitution of the possession of the leased premises should not be made to the landlord.

16 (2) (i) If, for any reason, the tenant or person in actual possession
17 cannot be found, the constable or sheriff shall affix an attested copy of the summons
18 conspicuously on the property.

19 (ii) After notice is sent to the tenant or person in possession by
20 first-class mail, the affixing of the summons on the property shall be conclusively presumed
21 to be a sufficient service to support restitution.

22 (3) If either of the parties fails to appear before the court on the day stated
23 in the summons, the court may continue the case for not less than **[six nor] 6 DAYS OR**
24 more than 10 days and notify the parties of the continuance.

25 (b) (1) If the court determines that the tenant breached the terms of the lease
26 and that the breach was substantial and warrants an eviction, the court shall give
27 judgment for the restitution of the possession of the premises and issue its warrant to the
28 sheriff or a constable commanding the tenant to deliver possession to the landlord in as full
29 and ample manner as the landlord was possessed of the same at the time when the lease
30 was entered into. The court shall give judgment for costs against the tenant or person in
31 possession.

32 (2) Either party may appeal to the circuit court for the county, within **[ten]**
33 **10** days from entry of the judgment. If the tenant (i) files with the District Court an affidavit
34 that the appeal is not taken for delay; (ii) files sufficient bond with one or more securities
35 conditioned **[upon] ON** diligent prosecution of the appeal; (iii) pays all rent in arrears, all
36 court costs in the case; and (iv) pays all losses or damages which the landlord may suffer
37 by reason of the tenant's holding over, the tenant or person in possession of the premises
38 may retain possession until the determination of the appeal. **[Upon] ON** application of

1 either party, the court shall set a day for the hearing of the appeal not less than [five nor]
2 **5 DAYS OR** more than 15 days after the application, and notice of the order for a hearing
3 shall be served on the other party or that party's counsel at least [five] **5** days before the
4 hearing. If the judgment of the District Court is in favor of the landlord, a warrant shall be
5 issued by the court which hears the appeal to the sheriff, who shall execute the warrant.

6 **(C) A WARRANT OF RESTITUTION ISSUED UNDER THIS SECTION SHALL BE**
7 **EXECUTED IN COMPLIANCE WITH THE PROVISIONS OF § 8-407 OF THIS SUBTITLE.**

8 **[(c)] (D)** (1) Acceptance of any payment after notice but before eviction shall
9 not operate as a waiver of any notice of breach of lease or any judgment for possession
10 unless the parties specifically otherwise agree in writing.

11 (2) Any payment accepted shall be first applied to the rent or the
12 equivalent of rent apportioned to the date that the landlord actually recovers possession of
13 the premises, then to court costs, including court awarded damages and legal fees and then
14 to any loss of rent caused by the breach of lease.

15 (3) Any payment which is accepted in excess of the rent referred to in
16 paragraph (2) of this subsection shall not bear interest but will be returned to the tenant
17 in the same manner as security deposits as defined under § 8-203 of this title but shall not
18 be subject to the penalties of that section.

19 **8-407.**

20 **(A) THIS SECTION APPLIES TO A WARRANT OF RESTITUTION ISSUED TO A**
21 **LANDLORD TO TAKE POSSESSION OF RESIDENTIAL PROPERTY UNDER § 8-401, §**
22 **8-402, OR § 8-402.1 OF THIS SUBTITLE OR AN EQUIVALENT PROVISION OF PUBLIC**
23 **LOCAL LAW.**

24 **(B) (1) ~~AFTER~~ SUBJECT TO SUBSECTION (E) OF THIS SECTION, AFTER A**
25 **COURT HAS ISSUED A WARRANT OF RESTITUTION, THE LANDLORD SHALL, AT LEAST**
26 **~~14~~ 6 DAYS BEFORE THE SCHEDULED DATE OF REPOSSESSION AS SET BY THE**
27 **SHERIFF, PROVIDE WRITTEN NOTICE TO THE TENANT OF THE DATE ON WHICH THE**
28 **WARRANT OF RESTITUTION IS SCHEDULED TO BE EXECUTED BY:**

29 **(I) SENDING THE NOTICE BY FIRST-CLASS MAIL WITH**
30 **CERTIFICATE OF MAILING; ~~AND~~**

31 **(II) POSTING THE NOTICE ON THE FRONT DOOR OF THE LEASED**
32 **PREMISES AND TAKING A DATE-STAMPED PHOTOGRAPH OF THE NOTICE POSTED ON**
33 **THE FRONT DOOR; AND**

1 **(III) IF THE LANDLORD KNOWS OR HAS ON FILE THE E-MAIL**
 2 **ADDRESS OR CELL PHONE NUMBER OF THE TENANT, SENDING THE NOTICE**
 3 **ELECTRONICALLY TO THE TENANT BY AN E-MAIL MESSAGE OR A TEXT MESSAGE.**

4 **(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS**
 5 **SUBSECTION SHALL INCLUDE:**

6 **(I) THE DISTRICT COURT ~~SUMMARY EJECTMENT~~ CASE**
 7 **NUMBER;**

8 **(II) THE TENANT'S NAME AS STATED IN THE SUMMARY**
 9 **EJECTMENT CASE;**

10 **(III) THE ADDRESS OF THE LEASED PREMISES;**

11 **(IV) THE DATE ON WHICH THE WARRANT OF RESTITUTION WAS**
 12 **ORDERED BY THE ~~DISTRICT COURT~~ THE COURT;**

13 **(V) THE INITIAL SCHEDULED DATE OF THE EVICTION;**

14 **(VI) A STATEMENT THAT THE REPOSSESSION MAY OCCUR**
 15 **UNLESS THE TENANT:**

16 **1. RETURNS POSSESSION OF THE LEASED PREMISES TO**
 17 **THE LANDLORD; OR**

18 **2. FOR A WARRANT OF RESTITUTION ISSUED UNDER §**
 19 **8-401 OF THIS SUBTITLE, EXERCISES THE RIGHT TO REDEMPTION UNDER § 8-401**
 20 **OF THIS SUBTITLE, IF AVAILABLE;**

21 **(VII) IF THE TENANT STILL HAS A RIGHT TO REDEMPTION OF THE**
 22 **LEASED PREMISES UNDER § 8-401(H) OF THIS SUBTITLE, A STATEMENT SHOWING**
 23 **THE AMOUNT STILL DUE TO REDEEM THE PROPERTY;**

24 **~~(VIII) A STATEMENT THAT IF THE EVICTION OCCURS, ALL~~**
 25 **~~PERSONAL PROPERTY REMAINING IN OR ABOUT THE LEASED PREMISES WILL BE~~**
 26 **~~CONSIDERED ABANDONED AND MAY BE DISPOSED OF 10 DAYS AFTER THE EVICTION~~**
 27 **~~DATE;~~**

28 **~~(IX) A STATEMENT INFORMING THE TENANT AS TO HOW THE~~**
 29 **~~TENANT MAY OBTAIN ANY PERSONAL PROPERTY LEFT IN OR ABOUT THE LEASED~~**
 30 **~~PREMISES AFTER THE EVICTION OCCURS;~~**

1 ~~(X)~~ A STATEMENT THAT THE NOTICE IS THE FINAL NOTICE TO
2 THE TENANT OF THE INTENDED REPOSSESSION, EVEN IF THE REPOSSESSION IS
3 STAYED FOR ANY REASON;

4 **(IX) THE FOLLOWING STATEMENT:**

5 “YOU COULD LOSE ALL YOUR PERSONAL BELONGINGS LEFT
6 INSIDE YOUR HOME WHEN THE EVICTION OCCURS. LOCAL LAWS AND PRACTICES
7 ABOUT DISPOSAL OF ANY OF YOUR PERSONAL BELONGINGS UPON EVICTION VARY.

8 YOU MAY SEEK ADVICE BY CALLING 211 FOR A LEGAL REFERRAL
9 OR BY CONTACTING THE DISTRICT COURT HELP CENTER AT (INSERT THE
10 TELEPHONE NUMBER FOR THE DISTRICT COURT HELP CENTER) OR (INSERT THE
11 ADDRESS FOR THE WEBSITE OF THE DISTRICT COURT HELP CENTER) TO SPEAK TO
12 AN ATTORNEY.”; AND

13 ~~(XI)~~ **(X)** THE TELEPHONE NUMBER, E-MAIL ADDRESS, AND
14 MAILING ADDRESS AT WHICH THE LANDLORD MAY BE CONTACTED.

15 **(3)** A LANDLORD MAY CHARGE THE TENANT FOR EXPENSES
16 ACTUALLY INCURRED IN PROVIDING NOTICE UNDER PARAGRAPH (1) OF THIS
17 SUBSECTION IN AN AMOUNT NOT TO EXCEED \$5.

18 **(4)** THERE IS A REBUTTABLE PRESUMPTION THAT A TENANT WAS
19 NOTIFIED AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE
20 LANDLORD PROVIDES TO THE SHERIFF OR CONSTABLE:

21 **(I)** THE CERTIFICATE OF MAILING;

22 **(II)** A PHOTOGRAPH OF THE NOTICE POSTED ON THE FRONT
23 DOOR OF THE LEASED PREMISES CONTAINING A READABLE TIMESTAMP INDICATING
24 THE DATE AND TIME THAT THE NOTICE WAS POSTED; AND

25 **(III)** A SIGNED AFFIDAVIT OF THE PERSON WHO POSTED THE
26 NOTICE ON THE FRONT DOOR OF THE LEASED PREMISES.

27 **(5) (I)** IF THE SHERIFF REASONABLY BELIEVES THAT THE
28 LANDLORD HAS NOT PROVIDED THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF
29 THIS SUBSECTION OR THAT THE TENANT MAY HAVE REDEEMED THE PROPERTY, THE
30 SHERIFF:

31 1. SHALL NOTIFY THE DISTRICT COURT; AND

1 2. MAY NOT EXECUTE THE WARRANT OF RESTITUTION
2 WITHOUT FURTHER ORDER OF THE DISTRICT COURT.

3 (II) IF THE DISTRICT COURT FINDS THAT THE LANDLORD DID
4 NOT PROVIDE THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION,
5 THE DISTRICT COURT SHALL VACATE THE WARRANT OF RESTITUTION.

6 (C) EXCEPT AS PROVIDED IN SUBSECTION (B)(5) OF THIS SECTION, IF THE
7 LANDLORD PRESENTS THE DOCUMENTATION LISTED IN SUBSECTION (B)(1) OF THIS
8 SECTION, THE SHERIFF OR CONSTABLE SHALL:

9 (1) ~~SHALL FILE~~ FILE THE DOCUMENTATION WITH THE CLERK OF THE
10 COURT; AND

11 (2) ~~MAY SUBJECT TO § 14-806 OF THIS ARTICLE, EXECUTE THE~~
12 ~~WARRANT OF RESTITUTION BY PUTTING THE LANDLORD IN POSSESSION OF THE~~
13 ~~PREMISES, WITHOUT THE REMOVAL OF ANY PERSONAL PROPERTY FROM THE~~
14 ~~PREMISES.~~

15 (D) IF A TENANT IS NOT PRESENT DURING THE EXECUTION OF THE
16 WARRANT OF RESTITUTION, THE SHERIFF OR CONSTABLE SHALL POST A NOTICE ON
17 THE FRONT DOOR OF THE PREMISES STATING THAT REPOSSESSION OF THE
18 PREMISES HAS BEEN COMPLETED ~~AND THAT THE TENANT HAS 10 DAYS TO RECLAIM~~
19 ~~THE TENANT'S PERSONAL PROPERTY.~~

20 ~~(E) (1) (i) A TENANT SHALL HAVE 10 DAYS FOLLOWING THE~~
21 ~~EXECUTION OF A WARRANT OF RESTITUTION UNDER SUBSECTION (C) OF THIS~~
22 ~~SECTION TO RECOVER PERSONAL PROPERTY FROM THE PREMISES OR ANOTHER~~
23 ~~REASONABLY SECURE LOCATION CHOSEN BY THE LANDLORD.~~

24 ~~(ii) A LANDLORD MAY NOT CHARGE A TENANT ANY FEE FOR~~
25 ~~STORING THE TENANT'S PERSONAL PROPERTY DURING THE 10 DAY PERIOD~~
26 ~~ESTABLISHED UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH.~~

27 ~~(2) DURING THE 10 DAY PERIOD ESTABLISHED UNDER PARAGRAPH~~
28 ~~(1) OF THIS SUBSECTION;~~

29 ~~(i) THE LANDLORD SHALL MAKE THE TENANT'S PERSONAL~~
30 ~~PROPERTY REASONABLY AVAILABLE FOR PURPOSES OF RECLAMATION; AND~~

31 ~~(ii) THE LANDLORD IS NOT LIABLE TO THE TENANT FOR ANY~~
32 ~~LOSSES RELATING TO THE PERSONAL PROPERTY UNLESS THE LOSS IS THE RESULT~~
33 ~~OF A DELIBERATE OR NEGLIGENT ACT ON THE PART OF THE LANDLORD.~~

1 ~~(3) A TENANT MAY NOT WAIVE THE RIGHT TO RECLAIM PERSONAL~~
2 ~~PROPERTY UNDER THIS SUBSECTION.~~

3 ~~(F) (1) UNLESS THE LANDLORD AND TENANT AGREE OTHERWISE,~~
4 ~~PERSONAL PROPERTY REMAINING IN OR ABOUT THE LEASED PREMISES OR IN THE~~
5 ~~REASONABLY SECURE STORAGE LOCATION CHOSEN BY THE LANDLORD FOLLOWING~~
6 ~~THE 10 DAY PERIOD ESTABLISHED UNDER SUBSECTION (E)(1) OF THIS SECTION~~
7 ~~SHALL BE DEEMED ABANDONED.~~

8 ~~(2) THE LANDLORD OR ANY PERSON ACTING ON THE LANDLORD'S~~
9 ~~BEHALF MAY NOT BE HELD LIABLE FOR ANY LOSS OF OR DAMAGE TO PROPERTY~~
10 ~~DEEMED ABANDONED UNDER THIS SUBSECTION.~~

11 ~~(3) (I) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS~~
12 ~~SUBSECTION, A LANDLORD MAY DISPOSE OF ABANDONED PROPERTY BY:~~

13 ~~1. TRANSPORTATION TO A LICENSED LANDFILL OR~~
14 ~~SOLID WASTE FACILITY;~~

15 ~~2. DONATION TO CHARITY;~~

16 ~~3. SALE; OR~~

17 ~~4. ANY OTHER LEGAL MEANS.~~

18 ~~(II) IF A LANDLORD DISPOSES OF ABANDONED PROPERTY BY~~
19 ~~SALE, THE TENANT SHALL BE ENTITLED TO ANY PROCEEDS OF THE SALE THAT~~
20 ~~EXCEED ANY BACK RENT, MOVE OUT COSTS, OR DAMAGE FEES OWED BY THE~~
21 ~~TENANT TO THE LANDLORD.~~

22 ~~(4) PROPERTY DEEMED ABANDONED UNDER THIS SUBSECTION MAY~~
23 ~~NOT BE PLACED IN A PUBLIC RIGHT OF WAY OR ON ANY PUBLIC PROPERTY.~~

24 ~~(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ON~~
25 ~~THE EXECUTION OF A WARRANT OF RESTITUTION, A LANDLORD IS NOT PROHIBITED~~
26 ~~FROM:~~

27 ~~(I) DISPOSING OF ABANDONED PROPERTY CONSISTING OF~~
28 ~~PERISHABLE FOOD, HAZARDOUS MATERIALS, OR TRASH; OR~~

29 ~~(II) TRANSFERRING AN ANIMAL TO AN ANIMAL CONTROL~~
30 ~~OFFICER, A HUMANE SOCIETY, OR ANY OTHER PERSON WILLING TO PROVIDE CARE~~
31 ~~FOR THE ANIMAL.~~

1 ~~(G)~~ **(E)** NOTHING IN THIS SECTION MAY BE INTERPRETED TO RESTRICT
 2 THE AUTHORITY OF ~~THE STATE AND~~ LOCAL JURISDICTIONS TO ENACT OR ENFORCE
 3 LEGISLATION ~~GOVERNING LANDLORDS AND TENANTS, INCLUDING LEGISLATION~~
 4 ~~ESTABLISHING THAT:~~

5 **(1)** INCREASES THE MINIMUM NUMBER OF DAYS OF NOTICE
 6 REQUIRED IN SUBSECTION (B)(1) OF THIS SECTION TO AS MANY AS 14 DAYS;

7 **(2)** DECREASES THE MINIMUM NUMBER OF DAYS OF NOTICE
 8 REQUIRED IN SUBSECTION (B)(1) OF THIS SECTION TO AS FEW AS 4 DAYS; OR

9 **(3)** ESTABLISHES PENALTIES FOR A VIOLATION OF THIS SECTION.

10 ~~(H)~~ **(F)** IF A COURT FINDS IN FAVOR OF A TENANT BASED ON A VIOLATION
 11 OF THIS SECTION, THE TENANT IS ENTITLED TO:

12 **(1)** ACTUAL DAMAGES;

13 **(2)** REASONABLE ATTORNEY'S FEES AND COSTS;

14 **(3)** INJUNCTIVE RELIEF TO RECOVER POSSESSION OF THE LEASED
 15 PREMISES OR PERSONAL PROPERTY; OR

16 **(4)** ANY OTHER REMEDY THE COURT MAY FIND REASONABLE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
 18 apply only prospectively and may not be applied or interpreted to have any effect on or
 19 application to any cause of action for repossession for failure to pay rent, breach of lease, or
 20 tenant holdovers filed before the effective date of this Act.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 22 October 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.