



WICOMICO COUNTY, MARYLAND

P.O. BOX 870
SALISBURY, MARYLAND 21803-0870
410-548-4696
FAX: 410-548-7872

WICOMICO COUNTY COUNCIL

Larry W. Dodd, President/District #3
John T. Cannon, Vice-President/At-Large
Ernest F. Davis, District #1
Nicole Acle, District #2
Larry W. Dodd, District #3
Josh Hastings, District #4
Joe Holloway, District #5
William R. McCain, At-Large

Laura Hurley, Council Administrator

January 8, 2020

Chairman Kumar P. Barve
251 House Office Building
6 Bladen Street
Annapolis, MD 21401

Dear Chairman Barve:

On behalf of the Wicomico County Council, I am writing this letter in support of the state legislation proposed by the Salisbury Area Property Owners Association on Eviction Procedures for Wicomico County. The proposed legislation requires substantial advance notice to the tenant (currently not required by the state eviction legislation), after which the landlord can secure the premises and dispose of any property that is still remaining on the premises.

This alternative procedure differs from the eviction procedure specified in subsection 8-401(d)(1)(i) of the Real Property Article, which requires that any remaining property must be removed from the premises on the day of the eviction. Typically, the removed property is placed on the sidewalk or other areas adjacent to the street, and often remains there for an extended period of time. In addition, you'll find that many items of value will be pilfered by those in the neighborhood. A photo is enclosed which shows the impact on the neighborhood after an actual eviction.

In addition to reducing, hopefully eliminating, the public blight that routinely occurs under the current state legislation, the proposed alternative for the eviction process will benefit tenants by requiring at least 14 days' advance notice of eviction, affording a substantial period for them to safely remove their property before the eviction occurs. It will also reduce the time that Sheriff's deputies are required to remain on the premises during an eviction since, once the premises have been secured by the landlord, the deputies may leave.

Because the state eviction legislation currently requires removal of the tenant's property from the premises, it appears that action by the General Assembly is necessary to authorize this proposed alternative.

We thank you for your time and consideration of this letter of support. If you have any questions or concerns, please do not hesitate to contact the Council Office at 410-548-4696.

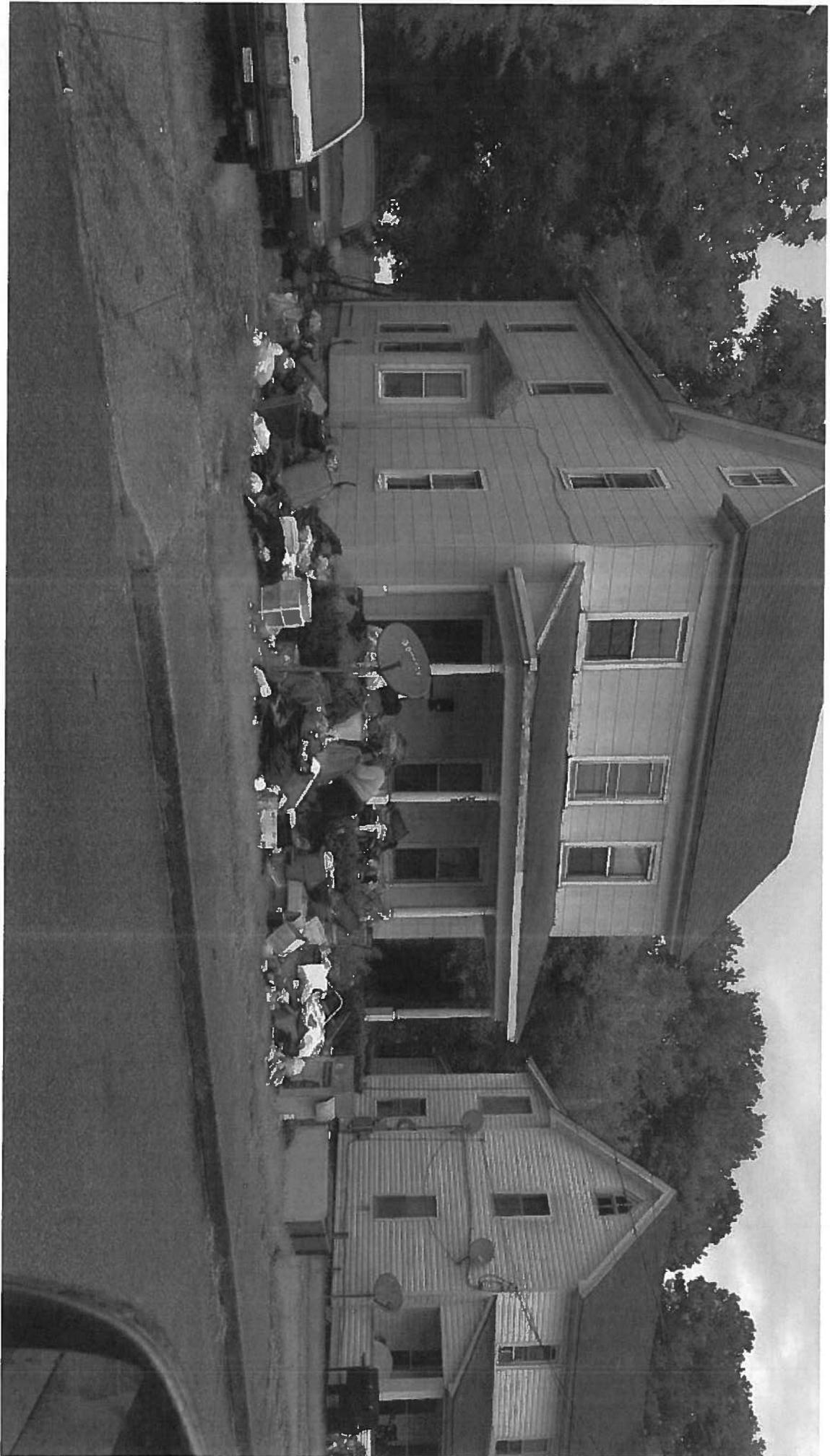
Sincerely,



Larry W. Dodd,
Council President

Enclosure

cc: Wicomico County Council



N1

0lr1846
CF 0lr1849

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Rowe
Typed by: Summer

Stored – 01/06/20

Proofread by _____

Checked by _____

By: **Wicomico County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Wicomico County – Landlord and Tenant – Repossession for Failure to Pay Rent**
3 **– Procedures**

4 FOR the purpose of authorizing a landlord in Wicomico County to repossess property for
5 failure to pay rent in a certain manner under certain circumstances; requiring the
6 landlord to provide a certain notice to a certain tenant in a certain manner;
7 establishing a certain rebuttable presumption; requiring a sheriff to notify the
8 District Court if the sheriff reasonably believes certain notice has not been provided
9 and prohibiting the sheriff from executing the warrant of restitution under certain
10 circumstances; requiring the District Court to vacate a certain warrant of execution
11 under certain circumstances; establishing that chattels and personal property
12 remaining at the time a certain warrant of restitution is executed are deemed
13 abandoned; establishing that the landlord or a person acting on the landlord’s behalf
14 may not be liable for loss or damage to certain abandoned property; authorizing a
15 landlord to dispose of certain abandoned property in a certain manner; prohibiting
16 certain abandoned property from being placed in a public right-of-way or on any
17 public property; establishing that this Act does not restrict the authority of Wicomico
18 County to enact certain legislation; providing for the application of this Act; and
19 generally relating to repossession in Wicomico County.

20 BY repealing and reenacting, with amendments,
21 Article – Real Property

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



0lr1846

1 Section 8-401(d)
2 Annotated Code of Maryland
3 (2015 Replacement Volume and 2019 Supplement)

4 BY adding to
5 Article – Real Property
6 Section 8-401(d-1)
7 Annotated Code of Maryland
8 (2015 Replacement Volume and 2019 Supplement)

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

11 **Article – Real Property**

12 8-401.

13 (d) (1) (i) [Subject] EXCEPT AS PROVIDED IN SUBSECTION (D-1) OF
14 THIS SECTION AND SUBJECT to the provisions of paragraph (2) of this subsection, if
15 judgment is given in favor of the landlord, and the tenant fails to comply with the
16 requirements of the order within 4 days, the court shall, at any time after the expiration of
17 the 4 days, issue its warrant, directed to any official of the county entitled to serve process,
18 ordering the official to cause the landlord to have again and repossess the property by
19 putting the landlord (or the landlord's duly qualified agent or attorney for the landlord's
20 benefit) in possession thereof, and for that purpose to remove from the property, by force if
21 necessary, all the furniture, implements, tools, goods, effects or other chattels of every
22 description whatsoever belonging to the tenant, or to any person claiming or holding by or
23 under said tenant.

24 (ii) If the landlord does not order a warrant of restitution within
25 sixty days from the date of judgment or from the expiration date of any stay of execution,
26 whichever shall be the later:

27 1. The judgment for possession shall be stricken; and

28 2. The judgment shall be applied to the number of judgments
29 necessary to foreclose a tenant's right to redemption of the leased premises as established
30 in subsection (e)(2) of this section unless the court in its discretion determines that the

1 judgment may not apply for purposes of subsection (e)(2) of this section.

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

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

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

11 (2) (i) The administrative judge of any district may stay the execution
12 of a warrant of restitution of a residential property, from day to day, in the event of extreme
13 weather conditions.

14 (ii) When a stay has been granted under this paragraph, the
15 execution of the warrant of restitution for which the stay has been granted shall be given
16 priority and completed within 3 days after the extreme weather conditions cease.

17 **(D-1) (1) THIS SUBSECTION APPLIES ONLY IN WICOMICO COUNTY.**

18 **(2) (I) SUBJECT TO THE PROVISIONS OF SUBSECTION (D)(1)(II)**
19 **AND (2) OF THIS SECTION, IF JUDGMENT IS GIVEN IN FAVOR OF THE LANDLORD, THE**
20 **LANDLORD, THE LANDLORD'S DULY QUALIFIED AGENT, OR THE LANDLORD'S**
21 **ATTORNEY MAY PROVIDE FOR REPOSSESSION OF THE PROPERTY BY NOTIFYING THE**
22 **TENANT OF THE INTENDED REPOSSESSION IN WRITING:**

23 1. **SENT BY CERTIFIED MAIL, RETURN RECEIPT**
24 **REQUESTED, AT LEAST 14 DAYS BEFORE THE INTENDED DATE OF REPOSSESSION;**
25 **AND**

26 2. **POSTED ON THE LEASED PREMISES AT LEAST 7 DAYS**
27 **BEFORE THE INTENDED DATE OF REPOSSESSION.**

28 **(II) THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS**

0lr1846

1 PARAGRAPH SHALL INCLUDE:

2 1. THE DISTRICT COURT SUMMARY EJECTMENT CASE
3 NUMBER;

4 2. THE TENANT'S NAME AS STATED IN THE LEASE OR
5 OTHERWISE AGREED BY THE LANDLORD;

6 3. THE ADDRESS OF THE LEASED PREMISES;

7 4. THE DATE ON WHICH THE WARRANT OF RESTITUTION
8 WAS ORDERED BY THE DISTRICT COURT;

9 5. A STATEMENT THAT THE REPOSSESSION MAY OCCUR
10 UNLESS THE TENANT:

11 A. RETURNS CONTROL OF THE LEASED PREMISES TO
12 THE LANDLORD; OR

13 B. EXERCISES THE RIGHT TO REDEMPTION UNDER
14 SUBSECTION (E) OF THIS SECTION IF AVAILABLE;

15 6. A STATEMENT THAT IF THE REPOSSESSION OCCURS,
16 ALL PROPERTY REMAINING IN THE LEASED PREMISES WILL BE CONSIDERED
17 ABANDONED AND MAY BE DISPOSED OF ON EXECUTION OF THE WARRANT OF
18 RESTITUTION; AND

19 7. A STATEMENT THAT THE NOTICE IS THE FINAL
20 NOTICE TO THE TENANT OF THE INTENDED REPOSSESSION, EVEN IF THE
21 REPOSSESSION IS STAYED UNDER SUBSECTION (D)(2) OF THIS SECTION.

22 (III) THERE IS A REBUTTABLE PRESUMPTION THAT THE TENANT
23 WAS NOTIFIED AS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF
24 THE LANDLORD PROVIDES:

25 1. THE CERTIFICATE OF MAILING; AND

26 2. A SIGNED AFFIDAVIT OF THE PERSON WHO POSTED

1 THE NOTICE ON THE LEASED PREMISES.

2 (3) (I) IF THE SHERIFF REASONABLY BELIEVES THAT THE
3 LANDLORD HAS NOT PROVIDED THE NOTICE REQUIRED UNDER PARAGRAPH (2) OF
4 THIS SUBSECTION, THE SHERIFF:

5 1. SHALL NOTIFY THE DISTRICT COURT; AND

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

8 (II) IF THE DISTRICT COURT FINDS THAT THE LANDLORD DID
9 NOT PROVIDE THE NOTICE REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION,
10 THE DISTRICT COURT SHALL VACATE THE WARRANT OF RESTITUTION.

11 (4) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF
12 THE LANDLORD PRESENTS THE DOCUMENTATION LISTED IN PARAGRAPH (2)(III) OF
13 THIS SUBSECTION, ANY OFFICIAL OF THE COUNTY ENTITLED TO SERVE PROCESS
14 MAY EXECUTE THE WARRANT BY PUTTING THE LANDLORD, THE LANDLORD'S DULY
15 QUALIFIED AGENT, OR THE LANDLORD'S ATTORNEY IN POSSESSION OF THE
16 PREMISES, WITHOUT REMOVAL OF ANY CHATTELS OR PERSONAL PROPERTY FROM
17 THE PREMISES.

18 (5) ALL CHATTELS AND PERSONAL PROPERTY REMAINING IN OR
19 ABOUT THE LEASED PREMISES AT THE TIME THAT THE WARRANT OF RESTITUTION
20 IS EXECUTED IN ACCORDANCE WITH THIS SUBSECTION SHALL BE DEEMED
21 ABANDONED.

22 (6) THE LANDLORD OR ANY PERSON ACTING ON THE LANDLORD'S
23 BEHALF MAY NOT BE LIABLE FOR ANY LOSS OR DAMAGE TO PROPERTY DEEMED
24 ABANDONED UNDER THIS SUBSECTION.

25 (7) THE LANDLORD MAY DISPOSE OF ABANDONED PROPERTY BY:

26 (I) TRANSPORTATION TO A LICENSED LANDFILL OR SOLID
27 WASTE FACILITY;

28 (II) DONATION TO CHARITY; OR

1 (III) ANY OTHER LEGAL MEANS.

2 (8) PROPERTY DEEMED ABANDONED UNDER THIS SUBSECTION MAY
3 NOT BE PLACED IN A PUBLIC RIGHT-OF-WAY OR ON ANY PUBLIC PROPERTY.

4 (9) NOTHING IN THIS SUBSECTION RESTRICTS THE AUTHORITY OF
5 WICOMICO COUNTY TO ENACT LEGISLATION GOVERNING LANDLORDS AND
6 TENANTS, INCLUDING LEGISLATION ESTABLISHING PENALTIES FOR A VIOLATION OF
7 THIS SUBSECTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
9 apply only prospectively and may not be applied or interpreted to have any effect on or
10 application to any cause of action for repossession for failure to pay rent brought in
11 Wicomico County arising before the effective date of this Act.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2020.